

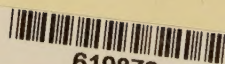
**THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY**

UNIVERSITY OF LONDON LIBRARY

PARL. PAPERS
FOR REFERENCE ONLY.



Presented by
the Worshipful Company
of Goldsmiths.
1903.



619876

MASSACHUSETTS

PARLIAMENTARY DEBATES

HANSARD'S
PARLIAMENTARY DEBATES.

Digitized by the Internet Archive
in 2026

HANSARD'S
PARLIAMENTARY
DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXVII.

COMPRISING THE PERIOD FROM
THE TWENTIETH DAY OF MARCH
TO
THE TWENTY-FIRST DAY OF MAY, 1835.
Second Volume of the Session.

L O N D O N :

Printed by T. C. HANSARD, Pater-noster-Row,

FOR BALDWIN AND CRADOCK; J. BOOKER; LONGMAN, REES, ORME, AND CO.;
J. M. RICHARDSON; PARBURY, ALLEN, AND CO.; J. HATCHARD AND SON;
J. RIDGWAY; E. JEFFERY AND SON; J. RODWELL; CALKIN AND RUDD;
R. H. EVANS; J. BIGG; J. BOOTH; AND T. C. HANSARD.

1835.

PARLIAMENTARY

TABLE OF CONTENTS

DEBATES

VOLUME XXVII

THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
PRESENT TIME

BY

I. HANSARD, ESQ., OF THE HOUSE OF COMMONS.
II. HANSARD, ESQ., OF THE HOUSE OF COMMONS.
III. HANSARD, ESQ., OF THE HOUSE OF COMMONS.

EDITED BY

WILLIAM IV.

PARLIAMENTARY DEBATES

THE HOUSE OF COMMONS
THE HOUSE OF LORDS

THE HOUSE OF COMMONS
THE HOUSE OF LORDS

THE HOUSE OF COMMONS
THE HOUSE OF LORDS

THE HOUSE OF COMMONS
THE HOUSE OF LORDS

THE HOUSE OF COMMONS
THE HOUSE OF LORDS

THE HOUSE OF COMMONS
THE HOUSE OF LORDS

THE HOUSE OF COMMONS
THE HOUSE OF LORDS

THE HOUSE OF COMMONS
THE HOUSE OF LORDS

THE HOUSE OF COMMONS
THE HOUSE OF LORDS

THE HOUSE OF COMMONS
THE HOUSE OF LORDS

THE HOUSE OF COMMONS
THE HOUSE OF LORDS

TABLE OF CONTENTS

TO

VOLUME XXVII,

THIRD SERIES.

- I. SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.
 II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.
 III. LISTS OF DIVISIONS.

I. SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.

1835.

Page

Mar. 20.	T HE Church—Petition complaining of the improper distribution of Church Preferment	1
	Malt and Hop Duties—Motion by Lord Teynham to abolish those Duties—Motion Negatived	3
23.	Newspaper Stamp — Cheap Literature — Petition for the Repeal of the Stamp Duties on Newspapers	85
24.	Stoke Poges—The Poor Laws—Explanation by the Duke of Buckingham	154
	Prison Discipline—Committee appointed to inquire into the Prison Discipline of England and Wales	155
	Canada—Petition—Explanations	165
27.	The New Houses of Parliament—Questions	307
	Dissenters' Marriages	308
30.	Criminal Justice (Ireland)—Question as to the execution of an innocent man	359
	Oaths' Abolition Bill—Third Reading postponed	360
31.	Criminal Justice (Ireland)—Explanation of the alleged execution of an innocent man	455
	Gaols (Scotland)—Motion for Returns	457

TABLE OF CONTENTS.

1835.		Page
Mar. 31.	The Church of England—Petition from Marylebone ..	457
April 1.	Church Property—Explanation of his opinion by Lord Plunkett	539
2.	Church Property—Further explanation of his opinions, by Lord Plunkett	640
3.	The Church (Scotland)—Petitions	777
	Newspaper Stamps—Petitions	779
	Appeals—Order of the House	780
6.	Churches of Scotland and England Petition	828
	The Ministry—Questions by Lord Ward	832
7.	London University—Question by Lord Brougham ..	876
8.	Dissolution of the Ministry—Announcement of that event ..	974
9.	Irish Education—Commission—Conduct of Mr. Craig—Motion by the Bishop of Exeter postponed ..	986
	Oaths' Abolition Bill read a third time, and passed ..	987
	Indemnity of Witnesses—Bill committed	988
10.	Mutiny Bill read a second time, and Committed ..	992
18.	Corporations—Explanation by Lord Brougham ..	996
	The Ministry—Announcement of the formation of a New Ministry, by Viscount Melbourne—Questions by Lord Alvanley, &c.	997
May 12.	Re-assembling of Parliament after Easter Holidays—New Ministry	1011
	Prison Discipline—First Report of the Committee presented	1015
	Commissioners of Public Instruction (Ireland)—An accusation brought against them	1016
	Central Criminal Court—Explanation by Lord Brougham	1017
	London University—Question by Lord Brougham ..	1017
	Breach of Naval Discipline—Question by Lord Brougham	1019
14.	Scotch Church—Petition	1063
	The London University—Explanation of the Marquess of Lansdowne	1064
15.	The Agriculturist Interest—County Rates—Petition ..	1117
	Ireland—Processions—Entry of the Earl of Mulgrave into Dublin—Questions by the Earl of Wicklow	1118
	Taxes on Knowledge—Petition—Explanations by Lord Brougham	1125

TABLE OF CONTENTS.

1835. <i>May</i> 18.	Public Instruction (Ireland)—Question by the Bishop of Exeter The Church—Petition	<i>Page</i> 1159 1159
19.	The New Poor-Law—Explanation by Lord Brougham ..	1194
21.	Ireland—Petition—Explanation of a charge against Mr. O'Loughlen, Solicitor General for Ireland	1291
	Education—Resolutions moved by Lord Brougham ..	1293

II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

Mar. 20.	Dublin City Election—Motion for enlarging the time for perfecting the securities—Petition	9
	Tithes (Ireland)—The Ministers plan for settling the Tithe Question in Ireland—Resolution moved in a Committee— Division, Lists, &c.	13
23.	Canterbury Election—Petition	95
	Breach of Privilege—Attack on Mr. Hume—Complaint made by Mr. Roebuck, that the Chancellor of the Exchequer had written a letter, amounting to a challenge, to Mr. Hume ..	97
	Tithes (Ireland)—Report of the Resolutions agreed to in Com- mittee—Explanations of the course to be pursued—Personal altercations—Report agreed to	102
	Orange Lodges (Ireland)—Select Committee appointed to inquire into the nature, character, and extent of Orange Lodges in Ireland	135
24.	Breach of Privilege—"The Morning Post"—Complaint by Sir Edward Codrington	168
	Commutation of Tithes (England)—The plan to effect this explained by the Chancellor of the Exchequer—Resolution moved, that it is expedient to give facilities for the Commu- tation of Tithes	170
	Relief of the Poor (Ireland)—Leave given to bring in a Bill for relieving the Poor	202
	Chatham (Borough) Election—Petition—Complaint against the Commanding Officer of Chatham Barracks—Divisions, Lists, &c.	204
	Timber Duties—Resolutions to make an alteration in those Duties—Agreed to in a Committee	213
	Sinecures—Committee on this subject appointed ..	218
25.	Corn Trade (Ireland)—Petition	218
	Gravesend Block House—The Ordnance—Petition from the Inhabitants of Gravesend	221
	Breach of Privilege—"The Morning Post"—Complaint of this Paper withdrawn	224
	Supply—Navy Estimates	226

TABLE OF CONTENTS.

	Page
1835.	
Mar. 25. Interchange of Literature with France—Question by Dr. Bowring	232
Sunday Observance Bill—The Bill read a second time—Division, Lists, &c.	233
Registration of Voters—Bill read a second time ..	245
Light Houses—Motion for leave to bring in a Bill to consolidate the Management of them in the hands of one Board	246
26. Canterbury Election—Report of the Committee—Mr. Villiers unseated	263
Leicester (Borough)—Election—Motion to hear the Agent of one of the Parties at the Bar—Division—The Agent heard—Change made in the name of one of the Sureties ..	268
Cork (County)—Election—Change in the name of a Surety	273
London University—Motion for an Address to his Majesty, to grant the University a Charter—Division, Lists, &c. ..	279
Removal of Assizes (Ireland)—Leave given to bring in a Bill to appoint convenient places for holding these Assizes ..	303
Orange Lodges (Ireland)—Explanation by Colonel Verner	305
27. Intimidation at Elections—Case of Blackburn	309
Church Establishment (Ireland)—Explanation of an intended Motion	313
Moldavia and Wallachia—Question by Colonel Evans ..	314
Supply—Army Estimates	315
Poor Law Commissioners—Motion for Returns—Complaint of the Commissioners interfering with the distribution of labour	357
30. Church of Ireland—Lord John Russell's Motion for the House to resolve itself into a Committee on the subject. ..	361
31. Borough of Leicester—Motion to discharge the Order allowing parties to alter a name in a Recognizance—Debate Adjourned	462
Church of Ireland—Adjourned Debate on Lord John Russell's Motion for the House to resolve itself into a Committee on the Church of Ireland resumed—Debate again Adjourned	466
Apr. 1. London University—Answer to the Address	540
Church of Scotland—Petitions for a Grant to provide Church Accommodation	540
Borough of Leicester—Adjourned Debate on the Motion to Discharge the Order to Amend the Recognizance resumed—Division	544
Church of Ireland—Adjourned Debate on Lord John Russell's Motion for the House to Resolve itself into a Committee on the Church of Ireland, resumed—Debate again Adjourned	547
2. Lower Canada—Petition	650
Church of Ireland—Adjourned Debate on Lord John Russell's Motion for the House to resolve itself into a Committee on the Church of Ireland, resumed—Division Lists &c. ..	654

TABLE OF CONTENTS.

1835.

		<i>Page.</i>
3.	Imprisonment for Debt—Petition from the City of London ..	781
	Church of Scotland—Petition	782
	Church of Ireland—Petition	784
	Tithes (Ireland)—Returns of the Million Fund	787
	Sir Roger Griesley—Report to the House that the Hon. Member had absented himself from an Election Committee ..	788
	Church of Ireland—Committee of the whole House on the subject—Lord John Russell's Resolution moved in the Committee—Preliminary Explanation—Committee to sit again	790
6.	Bribery and Intimidation at Elections—Petition	833
	Canada—The Commission—Question by Mr. Roebuck ..	836
	Spain—Don Carlos—Question by Mr. Thomas Duncombe ..	837
	Church of Ireland—Committee of the whole House on this subject—Lord John Russell's Resolution considered in Committee—Preliminary Explanation as to the Navy Estimates—Division, Lists, &c.	837
	Supply—Navy Estimates—Hoisting the Admiralty Flag at Devonport—Captain Symonds's Ships	864
	Mutiny Bill Committee—Practice of Soldiers wearing side-arms	874
7.	Church of Ireland—Report of the Committee—Additional Resolution moved by Lord John Russell relative to the Tithe Bill—Divisions, List, &c.	808
8.	Canterbury Election—Petition—Election Committee ..	975
	Resignation of Ministers—Announcement of that event by Sir Robert Peel	980
9.	Investigations in Armagh—Complaint that the subject was not brought forward	991
13.	Adjournment—Announcement that a New Ministry is in progress of formation	993
16.	Ministerial Arrangements—Announcement that they are not complete—Question by Mr. Sinclair	994
20.	Adjournment for the Easter Holidays—Observations by Mr. O'Connell on something said elsewhere—Observations on the Ministry by Mr. Sinclair	1006
	Irish Church—Mr. Sheil's notice of a Motion	1012
May 12.	Universities (Scotland)—Petition	1026
	Poor-Law Petitions—Observations on the Duke of Richmond	1025
	Commissions to Canada—Question by Mr. Hume ..	1028
	Commission of the Great Seal—Question by Mr. Harvey ..	1029
	Navigation of the Shannon—Motion for an Address to the	

TABLE OF CONTENTS.

1835.

	<i>Page</i>
Crown to carry the Report of a Select Committee into effect	1030
The Slave Trade—Motion by Mr. Buxton for an Address to the Crown—Motion withdrawn	1039
13. New Poor-Law—Petition	1052
Imprisonment for Debt—Petition	1054
Public Carriages—Metropolis—Bill read a second time	1057
Claims of the East-India Company's Maritime Officers—A Committee appointed to investigate them	1059
14. Mr. O'Connell and Mr. Baker—Petition from the latter Gentleman	1065
Tea Duties—Question by Sir Robert Peel	1070
Lord Lieutenant of Armagh—Investigation at that Place—Conduct of the Earl of Gosford—Resolution of Censure on Lord Mandeville	1071
Pensions of Lord Chancellors—Motion for Returns	1112
15. Observance of the Sabbath—Petition	1128
Kerry Election—Explanation by Mr. Shaw—Accusation against Mr. O'Connell, the Member for Dublin	1129
Lower Canada—Question by Mr. Roebuck—Explanation	1134
Supply—Registration Barristers	1147
— —Civil Contingencies	1148
— —Army Estimates	1155
Imprisonment for Debt Bill—Referred again to a Select Committee	1158
18. The Tithes of Kirkham Petition	1161
Tithes (Ireland)—Petition	1172
Borough of Stafford Disfranchisement—Motion for a new Writ —Amendment, that the Writ be suspended	1174
Ordnance Department—Question by Mr. Hume	1185
Thames Tunnel—Question by Mr. Walter	1185
Supply—British Museum	1186
Ordnance Estimates	1187
19. Newspapers—Petition against the Stamp Duties	1196
Commutation of Tithes—Petition —	1197
Education (Ireland)—Mr. Wyse's Motion for leave to bring in a Bill to establish a Board to promote National Education in Ireland—Leave given	1199
The Slave Trade—Motion for an Address to his Majesty agreed to	1233
Spirit Licenses—Mr. Divett's Motion for a Committee with a view to Repeal the 4th and 5th of William IV.—Motion withdrawn	1236
Law Courts—Leave given to bring in a Bill to improve the practices of the Law Courts (Scotland)	1242
Divisions of the House—A Motion by Mr. Ward on the subject discussed and withdrawn	1243
Civil Bill Courts (Ireland)—Leave given to bring in a Bill to extend the Jurisdiction of these Courts	1248

TABLE OF CONTENTS.

		<i>Page</i>
1835.	Channel Islands—Trade and Commerce—A Committee appointed to inquire into this trade	1253
<i>May</i> 20.	Church of Scotland—Petitions	1255
	Election Riots at Preston—Petition	1266
	Observance of the Sabbath—Committee on Mr. Poulter's Sabbath Observance Bill	1268
	Will's Execution—Bill committed	1283
	Seamen Enlistment—Bill read a second time	1290
21.	Absence of a Member of an Election Committee—Curious case of the supposed presence of a Member (Mr. Greene) who was balloted for on a Committee	1336
	<i>Appendix</i> —Speech of Mr. Wyse on Education (Ireland) ..	

III. LISTS OF DIVISIONS.

<i>Mar.</i> 20.	The Ayes on Mr. Rice's Amendment to Sir Henry Hardinge's Resolutions relative to Tithes (Ireland)	83
24.	The Ayes on the Motion to refer the Petition from the Borough of Chatham to a Select Committee	212
26.	The Ayes on the Motion for an Address to his Majesty to grant a Charter to the London University	301
27.	The Ayes on the Motion for a Committee of Supply to reduce the Army	355
<i>Apr.</i> 2.	The Ayes on Lord John Russell's Resolution relative to the Church of Ireland	772
	The Noes on the same Question	774
	The Ayes on Lord John Russell's Resolution relative to the Irish Church in a Committee of the whole House	861
8.	The Ayes on Lord John Russell's second Resolution on bringing up the Report of the Committee relative to Irish Tithes	969
	The Noes on the same Question	971

HANSARD'S Parliamentary Debates

*During the FIRST SESSION of the TWELFTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN and
IRELAND, appointed to meet at Westminster,
19th February, 1835,
in the Fourth Year of the Reign of His Majesty
WILLIAM THE FOURTH.*

Second Volume of the Session.

HOUSE OF LORDS,
Friday, March 20, 1835.

MINUTES.] Bill. The Royal Assent was given by Commission to the following Bills:—Transfer of Aids; Exchequer Bills; Newspaper Printers' Relief; Chester Criminals' Execution.

Petitions presented. By the Duke of SUTHERLAND, the Earl of ABERDEEN, the Earl of GALLOWAY, and a NOBLE LORD, from several Places,—for Additional Accommodation in Scotch Churches.—By the Earl of Denbigh, from Upper Chelsea, for the Better Observance of the Sabbath.—By Lord WHARNCLIFFE, from two Places, for the Repeal and Alteration of the Factories' Regulation Act.—By Lord ST. HELEN's, from Landowners of the County of Salop, for Relief, and against the Alteration of the Corn-Laws.

THE CHURCH.] Lord Brougham said, that a Petition had been put into his hands, which, being very respectfully worded, he should lay before their Lordships, and should move that it be read by the Clerk. He should only state thus much concerning it, for he never would make himself responsible for the contents of any petition he should ever present. The petition was from a gentleman who described himself as T. Peter Gurney, clerk. It stated, that he had been thirty-eight years officiating minister of St. Allen, Cornwall; that he held only a curacy; that no misconduct whatever had ever been charged against him; that a living had become vacant in the bishopric of Exeter; that he had humbly applied for it to the Lord Bishop of that diocese; but that his long services had been passed over, and the living given to another man. The

VOL. XXVII. {Third }
 {Service }

petitioner suggested, that to provide for poor clergymen in their old age, a sort of half-pay should be appropriated out of the surplus revenues of cathedral, and from Ecclesiastical sinecures.

The Bishop of Exeter felt fully the force of the excellent example set this night by the noble and learned Lord and he should endeavour to follow it. The motives which induced a bishop to give or withhold a living, he was sure, was a question that their Lordships would not enter upon; and he should be wanting in due respect for the Church, if he entered into a statement of his motives on the present occasion. As to the general principles on which he acted in these matters, he was ready to declare, that he for one felt most anxious to bestow livings so as to reward meritorious individuals. He should say nothing of the individual who had presented this Petition, but he should state, that the living which he had not given to that individual, he had given to a curate of whom he had received a very high character. He should say it not in the spirit of boastfulness, but was entitled, when thus called upon, to state what was his general practice in these matters. A large proportion of livings had fallen into his hands during the four years that he had held the see of Exeter—no fewer than sixteen having come into his gift during that time. Thirteen of these he had given to curates, all of whom he had selected

on the ground of merit alone, not one of them having been privately known to him, or related to him, or connected with him in any other way. Three he did not give to curates. The first of these three he gave to a son of his own; he was proud to say a very deserving son. Of the two others, one fell to him by a singular scruple of conscience of the patron. That gentleman had bought the next turn to the living, but after he had done so, his conscience told him, that that was not a proper way to acquire a presentation. This was a valuable living, which he confessed he should have liked to give to his son, but, having come into his hands in this way, he gave it to the best clergyman he could find in the neighbourhood, and he was happy afterwards to find, that he had bestowed it on the individual for whom it had been intended. The other living, the last of the three, was given by him to break down a plurality. He had placed in one of the most populous places of Cornwall, an excellent and popular clergyman, instead of allowing it to be in the hands of a non-resident incumbent.

The Petition laid on the Table.

[MALT AND HOP DUTIES.] Lord *Teynham*: My Lords, in presenting these Resolutions for your Lordships' consideration, I beg to state, that I am actuated by a sense of public duty only, and have no wish to serve the purposes of party, or to embarrass his Majesty's Government. To the first of these Resolutions, your Lordships and the other House of Parliament have already agreed. No one denies the distressed condition of agriculture, in all its various interests and parts. To the second, my Lords, I will, therefore, come at once; and I have presumed to present it to your Lordships in consequence of the very decided disapprobation expressed in all parts of the country, upon the vote of the House of Commons for the continuance of the Malt-tax. I have added the Hop-duties, as equally requisite for the substantial relief of the people. It would ill become me to take up your Lordships' time, in pointing out the direful effects of these taxes upon the labouring classes, especially the labourers in husbandry. These taxes are the primary cause of the depravity of the labourer, of the distress of the farmer, and the embarrassment of the landlord in procuring his rent. Such, my Lords, are the feel-

ings out of doors for the repeal of these taxes, that I am convinced no Cabinet can be permanent which does not take the repeal into consideration. It is a pressure from without that cannot be long resisted. All wise men consider it the first step towards any improvement of the condition of the people; and the indignation now openly expressed in the counties upon the dereliction of their public pledges and solemn promises, by so many Members of the Commons, is sufficient proof of the public feelings; and the negative given to the Motion of the noble Member for Buckinghamshire, has done more to shake the confidence of the people in the wisdom of the Legislature, than any one act in modern times. The only argument, my Lords, of these apostates to their pledges, was the fear it might add to the difficulties of the present, almost expiring, Cabinet; and the right hon. Baronet, the Member for East Kent, has falsified a life of promises and assurances on this subject, in the hopes of a short respite for his colleagues. As I have a sincere good feeling towards the right hon. Baronet, I shall only say, I trust he will never again present himself for the approbation of the men of Kent. My Lords, we have heard much of late of the critical situation of this House, and, perhaps, of the Throne of these realms—where are we to look for support, but to the brave and determined peasantry of the land? Let us, then, before the hour of peril arrives, do justice to them—let us not forget the warning voice of the French Revolution of 1789. My Lords, I will now inquire into the justice of this taxation—and ask your Lordships, can it be supported by the equity of the case? We will, my Lords, take our debt at 900 millions, and the expenditure by the estimates of last year. It will then be clear, that if this annual revenue was collected by a poll-tax, it would give 3*l.* 1*s.* 8*d.* per head, and every family, counting five, 15*l.* 8*s.* 4*d.* per annum, to pay it. Now, my Lords, the Poor-law Commissioners and others have reckoned 45*l.* per annum as the highest sum such a family could earn from their labour. You, therefore, my Lords, abstract one-third from the income of every industrious family; but whilst the land is not taxed at a sixth of its value, and the immense funded property not in the least, how could you collect so iniquitous a charge upon labour? Impossible, my Lords. But the

Chancellor of the Exchequer turns round, and says to the labourer—Oh, I knew very well I could not make you pay in direct taxation, but I will impose an excise upon your common necessities of life, especially upon malt and hops, that shall compel payment. My Lords, here again, the labourer has the worst of the bargain, for the Excise taxation not only eats up his domestic life, but he actually pays nearly double his direct impost. My Lords, I need not observe labour is the only property of the working classes; and if you do not found that upon an augmentation equal to taxation, your Lordships' principles of Government are founded upon injustice, and usurpation of the rights of the labourer. My Lords, we must not forget, that in the last hundred years we have also deprived the labourer of many advantages—his cottage rights, his pasture for cattle, his poultry walk, &c., have all been taken from him by above four thousand enclosure acts, and those laws the wisdom of our ancestors provided for his security have been all, my Lords, abrogated in modern times. My Lords, the great Lord Bacon observes,—that the dwellers in husbandry should not be beggars in the land. Queen Elizabeth thought so when she established, in the 5th of her reign, to protect the wages of labour, a law now acted upon in France and Flanders. James the First thought so, my Lords, when he made laws against the monopoly of beer, which he declared, as the drink of the peasant, ought not to exceed a penny per quart for good ale. Barley was then nearly as dear as at present. My Lords, what has been our substitute for all these heavy privations? Why, a degrading system of parish allowances, under the 43rd of Elizabeth, and the five hundred acts passed since to amend the Poor-laws, and now a new Poor-law Bill founded on workhouse severity, to grind the unhappy labourer to the condition of the Irish peasantry. My Lords, I could pursue this subject much further, but I shall only add, these taxes have also converted this salutary beverage into a deadly poison, as the importation of deleterious drugs to a most enormous extent sufficiently proves, as well as the acid condition of brewers' beer, most of whom have been convicted of these practices—many more than once. My Lords, these taxes have greatly reduced the consumption of this salutary necessary of life to

the labourer. In 1770, with a population of eight millions, twenty-six millions of bushels of barley were malted; in 1830, with a population more than doubled, only twenty-seven millions of bushels were malted—which is a reduction of one-half. I regard, my lords, with little credit, the sophistries of the Chancellor of the Exchequer, upon the increased use of other articles, especially tea and coffee; as no one can persuade me, that if the labourer could procure cheap untaxed home-brewed beer, he would resort to those taxed and adulterated substitutes. No, my Lords, the right hon. Baronet does not believe this himself. But there is another cause, which the right hon. Baronet keeps out of sight, for this change. My Lords, it is the Bill of the right hon. Baronet of 1819. That Bill has had severe effects in rural affairs. My Lords, the banker of the farmer is now the village shopkeeper; he pays the wages of the labourer, and advances him tea, coffee, sugar, &c. on credit, but no beer, my Lords.—Here is the secret, my Lords, of these changes that have puzzled the Chancellor of the Exchequer, it is the want of any circulating medium under five pound country notes. That is the origin of all these changes and evils. Sir Robert Peel well knows, my Lords, that if the duties on malt and on hops are taken off, the whole excise scheme falls to the ground at once, and even spirits ardent spirits, will fall in the battle field of home-brewed beer. My Lords, I humbly press upon the minds of noble Lords opposite, the necessity of an immediate and total change of our financial system, now based upon the oppression of the labouring classes. I am, my Lords, one of those who maintain it can be done, and with safety to public credit; but I do not deny that I wish, my Lords, to see the fundholder pay his due proportion of the taxation of the country; or soon, my Lords, like Aaron's rod, it will swallow up the rest; and soon, my Lords, compel the Minister of Finance to come to an issue of a crop of assignats more plentiful and more fatal than those of the French Directory. With rapid strides, my Lords, we are now hastening to that calamitous end. Most humbly do I implore your Lordships to arrest the course, and, by agreeing to these resolutions, compel a change of system. It would highly become your Lordships to make the first move. I implore your Lordships not to become the seven

sleepers, who arose, went forth to the world, and found all their ideas, all their notions were of times gone by, and that no man understood them. My Lords, the moral effects from the reduction of the duties will be incalculable; harmony will be restored between the farm and the cottage; domestic life revived; servants learning in farm-houses useful knowledge; early education; prudence and value for character; wages reduced; rents well paid in consequence; and a demoralized nation reclaimed. These, my Lords, go far beyond the price of barley or relief to clay or light soils. I beg also to state, my Lords, that the whole calculation in another place on the price of malt is fallacious. Without taxation it never can much exceed the price of barley. It is now 20s. beyond an average price of barley; while hops, were the tax reduced would, from extended cultivation fall to 6d. per lb., as I believe the 50,000 acres now planted would soon be doubled. Already a great export trade, independent of Ireland, has commenced, and near one and a half millions of lbs. were exported last year, besides 200,000 barrels of ale and porter not mentioned, my Lords, by the Chancellor of the Exchequer. The whole population of Kent, Sussex, and Hants would be most actively employed on the hops and woodlands, and the poor rates reduced to a trifle. These, my Lords, would be the happy effects of this Repeal. I now come, my Lords, to the revenue portion of this resolution. It is true, these duties would take off 5,000,000 from the National Income; but, my Lords, experience in the last forty years has proved that when any tax is taken off, one half of it always returns to the Exchequer. We have thus to provide for two and a half millions. In my humble opinion, my Lords, the hon. Member for Middlesex has clearly proved the facility of making good this deficiency. My Lords, can we not pacify at length Ireland, and relieve her just causes of discontent, by the abolition of tithes, the diminution of the Protestant Church to the wants of her votaries, useful operations against the absentees, and giving her the laws of England, and removing the Castle Government and military subjection from that improving and industrious people? Here you may gain, indeed, the value of your reduction of duties on malt and hops. My Lords, is it not also time to think seriously of our extravagant war expenditure in peace; fourteen millions and a half, my

Lords, are the Estimates for 1835, for national defence; 150,000,000*l.* expended every ten years. Dare I inquire of the noble Lords near me, if this mighty expenditure has secured the honour of England—I fear not, my Lords, it would as yet, perhaps, be unfair to inquire of his Majesty's Ministers. But, my Lords, has not the British Nation seen with indignation the treaty of Vienna broken, and Poland, the advanced guard of our civilization, destroyed as an independent power by the most ferocious system of cruelty ever heard of amongst men—has not the Russian despot nearly subjugated European Turkey, and waits alone to plant his foul banners on the minarets of St. Sophia, whilst, my Lords, the gallant fleets of England are condemned to useless cruises from Malta to the Dardanelles. Why are the Ionian Isles preserved at an expense of half a million every year—are they to be the last victim to the Russian Minotaur? My Lords, I might ask, why are 10,000 troops kept in the Canadas? But that is tender ground—the seeds are there sown of another Ireland—and the vast Atlantic rolls between us, while the powerful United States is not asleep; they already place one foot upon Quebec and the other poised upon the island of Cuba. My Lords, is the experience of the war for American independence forgotten, and does the noble Viscount (Canterbury) proceed in the spirit of Lord Carlisle? I fear he does—at all events, my lords, reduce these estimates, and give up that reliance upon standing armies—which has been the bane of our empire since the accession of the House of Hanover to the Throne. I will not, my Lords, mention retrenchments in places, or pensions, or appointments, because they will soon come before the other House of Parliament; but I humbly implore your Lordships to agree to these resolutions, as the humble but zealous advocate of the toiling millions who will hail your Lordships with their blessings. I conclude, by moving, that this House does coincide in his Majesty's gracious expressions of his Speech from the Throne, on the opening of Parliament, 'that the agricultural interests of Great Britain, in all its various branches, is now suffering under deep depression.'

“Resolved, that this House considers the excessive Excise taxation upon most of the common necessities of life, to be one of the leading causes of this lamentable con-

dition of rural affairs ; and we, therefore, most strongly recommend to his Majesty's Government the repeal of the duties upon malt and hops, as more seriously affecting the labouring classes, than those upon other articles, and mainly contributing to the present demoralized state of the peasantry, by depriving them of the comforts of domestic life, and thus compelling them to resort to public houses for their daily beverage."

Motion negatived.

HOUSE OF COMMONS,

Friday, March 20, 1835.

MINUTES.] Bill. Read a second time:—British Territories in India.

Petitions presented. By Mr. HANDLEY, from Kesteven, against the Malt-Duty.—By Mr. WILKS, from two Dissenting Congregations, for Relief.—By Mr. SHAW LEFEVRE, from the Innkeepers of five Places, against the Duty on Spirit Licences.

DUBLIN CITY ELECTION.] Mr. Shaw brought up the Report of the Examiners into the validity of the sureties in the Petition against the return for the city of Dublin, and moved, that the House should extend the time for perfecting the sureties till Wednesday next.

Mr. O'Connell said, that the Report had been made on Monday last: this was Friday: why had the Report not been brought up before? The fourteen days allowed by the Act for perfecting the sureties were now expired. Yes; the petition was presented on the 6th of the month, and this was the 20th. It was surely too late for the hon. Member to make any such Motion. The Report was made on Monday. Why was it not brought up on Tuesday? Why not, at any rate, on Wednesday? No; instead of this, the hon. Member kept it quietly in his pocket, all the time that he was doing his best to prevent the postponement of the Ballot. If it were not his own case, he should at greater length, and more warmly call upon the House not to sanction such an attempt as this evidently was; but it being his own case, he should content himself with simply entreating the House, to consider the whole of the circumstances, to ask themselves why it was the Report had been delayed till this day, and then to put it to themselves, whether they could, consistently with their duty to the public, or to themselves, as individual Members of the House, sanction the proposition of the hon. and learned Member.

Mr. Shaw said, the sureties in the second and longer petition had been perfected; and the delay in reference to the third, and short petition, was solely owing to the opinion of the Examiners, that an extension of time was necessary to perfect the securities in it. He was, however, quite in the hands of the House.

Motion withdrawn.

Mr. Shaw requested an opportunity of presenting another Petition seriously affecting the character of an individual. It was from Mr. Baker, the agent for the Dublin petitions, who felt that he owed it as a duty to himself respectfully to submit an answer to the serious charge brought against him a few days ago. The hon. Member for Dublin had then stated that he had been misled and deceived by the agent who had made affidavit to the facts contained in his petition in reply. While he (Mr. Shaw) admitted at once the respect belonging to the assertion of a Member in his place—that it was equivalent to words spoken under the sanction of an oath; yet where the circumstances affected the character of a third person the House would not be guilty of so glaring an injustice as to refuse that third person the means of justification.

Mr. O'Connell objected, in point of form to the receiving of any affidavit, unless it could be shown how the adverse party could answer it by a counter affidavit.

Mr. Shaw: Mr. Baker asserted that on the 11th instant, in company with a client, and upon other business, he went to the office of Sir Robert Sidney, the agent for the sitting Member for Dublin; there he saw Mr. O'Connell, who desired Sir Robert Sidney to give Mr. Baker a notice that he was prepared to exchange a list of witnesses. When Mr. Baker was preparing to leave the office, Sir Robert Sidney asked, jokingly, "Do you mean to treat us with all the petitions?" The petitioner's answer was, "I do not know whether I do or not;" but fearing he might be misunderstood, he went back and addressed these words to Sir Robert Sidney and Mr. O'Connell: "I think it fair to tell you that if I complete the recognizances on the third petition (that of the 6th of March), I will let go the other; but it all depends upon your not turning me round upon a point of form." To prevent all mistake, he repeated these words a second time, and Sir Robert

Sidney remarked, "To be sure, I understand you fully: you mean to make yourself secure." Nothing more occurred until the Saturday following, when Mr. Baker posted a notice, to guard himself against all chance of being turned round, stating, that on Wednesday he would proceed with the securities upon the first petition. On Monday he appeared before the Examiners, in order to perfect the securities on the second petition, and was taken by surprise by affidavits produced by Mr. O'Connell, to invalidate one of the securities. As he was not prepared with contrary evidence, the Examiners agreed to make a Report to the House for further time to the petitioners. The notice having been posted on the preceding Saturday, Mr. Baker appeared again before the Examiners on Wednesday, and then, for the first time, Mr. O'Connell brought forward the charge that a fraud had been practised upon him. The petitioner, on the other hand, asserted most positively that he never had used any other terms respecting the abandonment of a petition but those he had set forth. He added that Mr. O'Connell, on Monday, applied to the Examiners for a certificate that the notice of Saturday was not posted in time, in order that the agent might not be able to proceed on the first petition. This fact would be stated by Mr. Rose, the officer of the House. On Monday, when the Examiners postponed the petition on the point of form, Mr. Baker expressly informed them that he meant to proceed with the perfecting of the securities on the other petition. The petitioner added that he felt it extremely hard to be thus accused of practising a fraud and a deception, and prayed the House to grant an inquiry, which, in fact, he challenged. The facts he (Mr. Shaw) had thus detailed from the petition, were sworn to in an affidavit to which he would only refer, entreating the House to suspend its judgment until the facts had been clearly ascertained.

Mr. O'Connell: If this affidavit were in a shape in which I could prosecute it for perjury I would do so at once. There were four persons present on the occasion alluded to. One of them was a young Gentleman, a client, of the name of Mathison, who came in on business to the office when the conversation commenced. The agent for the petitioner came in, and stated his willingness to abandon the pe-

tition in question, but he did not state anything that made any distinct impression on his mind on the subject. But as he was going away, Mr. Mathison having gone, he came back, and in the presence of four witnesses, emphatically gave notice to him, and his colleague, Mr. Ruthven, that he might disembarass or disengage (the only doubt on the subject, is as to which word he used)—our minds altogether of the petition in question, for they certainly would not proceed upon it. There were four persons present when this was said, and those four were ready to prove, in any court of justice, the truth of what he now stated. The third petition is signed by five persons, and there were only four names to the other two petitions—the fifth of those persons had not been served with notice, for I did not notice that the third was only signed by three persons, and I sent notice to Dublin only as to the four. The object of the petitioners is, to make a point before the Committee, in order that I may not have a Commission, because I have not served the parties with notice. I desire inquiry, and inquiry under the sanction of an oath. Let the hon. and learned Recorder, when he leaves this room, lay a wager, that if he put this question in the stage of a declaration on the file, and leave it to the verdict of twelve men, he will not be defeated. There is one circumstance which the hon. and learned Recorder has mentioned, and only one which I have reason to contradict, and that is this false statement. He said, that on Monday evening I went to the examiner and inquired whether he had posted on the preceding Saturday the list. When I found it repeated that they would not proceed upon the two petitions—when I found a notice in the hall upon the subject, having written to Dublin that day to stop the witnesses, and having given up going to any agent and holding a consultation, I came down to the House, and when I found that notice posted up, I said this must be some trick, and long before coming into the House I met my friend, Sergeant Perrin, who advised me not to bring the matter before the House. Sergeant Perrin accompanied me to the Clerk of Recognizances, and I inquired how it happened that, after Mr. Baker had stated so and so, he had posted up the notice. The clerk said it was not Mr. Baker who had done it, but that he himself, finding the recognizance in the

office, had done so. I did not make any other inquiry of Mr. Baker. I went to ascertain how, after he had told me that the notice should not be posted up, it had been posted. These are the facts of the case; and I repeat, that let me have my witnesses in any court of justice, before any criminal tribunal, I shall convince it of the truth of them. The facts are recent, and cannot have escaped the recollection of the witnesses.

Mr. *Ruthven* entirely concurred in the statement of his hon. colleague. His recollection was recent and most distinct, and he believed that Sir Robert Sidney had made a memorandum to the same effect. He complained that the hon. and learned Member (Mr. Shaw) had stated some matters upon his own knowledge not contained in the petition.

Petition laid upon the Table.

TITHES (IRELAND).] Sir *Henry Hardinge* moved, that the following passage from the speech delivered to Parliament by his Majesty, at the opening of the Session, be read:—"There are many important subjects, some of which have already undergone partial discussion in Parliament, the adjustment of which at as early a period as is consistent with the mature consideration of them would be of great advantage to the public interests. Among the first, in point of urgency, is the state of the Tithe Question in Ireland, and the means of effecting an equitable and final adjustment of it."

The passage having been read, on the Motion of Sir Henry Hardinge, the House resolved itself into a Committee of the whole House upon the subject of Tithes in Ireland.

Sir *Henry Hardinge* said, that he had reason to feel more than usual embarrassment in rising to address the House upon this important question. The subject was in itself of so very complicated and difficult a nature, embracing so many complicated details, and affecting such a variety of interests, that for these reasons alone he required the indulgence of the House in applying himself to it; but when, in addition to the embarrassing nature of the subject, he found that it was one which, ever since the year 1831, had been canvassed with much warmth in that House, and that out of Parliament religious differences had been mixed up with it, he felt all the difficulty of his task, and that

it would be almost idle and preposterous to hope that the measure, which he was about to propose, would pass through Parliament without meeting much opposition. Then on what did he rest his hope that the measure would be adopted by Parliament? His answer was, that the urgency and magnitude of evil, which had arrived at the maturity of misfortune, rendered it absolutely necessary that Parliament should attempt to rescue society in Ireland from the disorganized state into which it was at present thrown by the Tithe Question. That disorganization had proceeded to such a pitch, intimidation had been carried to such an extent in that country, as to render it utterly impossible to proceed with the collection of tithes. It was well known, that in Ireland, the turbulent man, who disobeyed the law, was rewarded, whilst the peaceable subject was liable to suffer ill-treatment in his person, and to have his property destroyed, if he attempted to obey the law by paying tithe. This state of things was happily unknown in this country, but in Ireland, where the population was scattered, and property might be easily destroyed, intimidation prevailed to a great extent, and threats of violence exercised a more powerful influence over the minds of the Irish peasantry than the fear of the law. What was the case, as regarded the tithe-owners, men in a higher situation of life? During the last four years, there had been almost an actual suspension of the collection of tithes in Ireland. When the tithe-owner called upon the Government to vindicate the law, and afford him the protection to which he was entitled, and the troops were in consequence marched to the assistance of the civil power, the military and the peasantry came into collision, and those scenes ensued which every Christian and friend of humanity must deeply deplore. In this state was Ireland at the present moment, and it was useless to expect any change to occur with respect to it unless the cause of the evil was removed. That such lamentable scenes as those to which he had just adverted, had not occurred more frequently in Ireland was to be attributed in a great degree to the singular forbearance and moderation with which the clergy of Ireland had conducted themselves in their state of extreme poverty and distress. He could inform the House, that out of 1,300 benefices in Ireland, there

were not, when he was in Dublin, more than 30 or 40 applications for the assistance of the military to collect tithes, notwithstanding the extreme poverty and distress of the incumbents. He asked the House, however, whether it were fit and becoming that, because these individuals felt, as men and Christians, conscientious scruples with respect to the enforcement of their just claims, lest it might lead to bloodshed, they were not to be relieved or protected in their rights? He was convinced that the House of Commons would not sanction such injustice,—he was confident that Parliament would co-operate with the Government in framing a measure by which a just and satisfactory arrangement of the question might be effected, and the present state of things put an end to. The defects of the existing system were not attributable to exorbitant exactions on the part of the clergy. It was proved by the evidence given before every Committee which had been appointed within the few last years, that the average amount of tithes throughout Ireland did not exceed 1s. per acre, and by returns on the Table, relating to 900 benefices, it appeared that in 800 benefices the average amount of tithe was 6d. per acre. He, therefore, was justified in assuming that the amount of tithe was not the cause of the present unhappy state of things. Religious differences were mixed up with it, though he believed, in many instances, the religious part of the question was rather a pretext than a real grievance. There was one acknowledged evil connected with the question—namely, the mode of sub-letting land in Ireland. In some small farms, the holders were so subdivided into minute portions that it was utterly impossible for the tithe-owner to collect his property, except from a pauper population, taking from some individuals a half-a-crown, from others a shilling, and from others a penny, or even a farthing. Under these circumstances, it must be evident, that if the clergyman should forego his claim on account of the small amount due by the tithe-payers individually, he would be deprived of the greater part of his income. The Act introduced by the noble Lord, the Member for North Lancashire (Lord Stanley), and passed in 1832, had for its object the mitigation of this evil, by fixing the responsibility of the payment of tithe, not upon the occupying tenant, but on the next landlord immediately

above him. The effect of that Act was immediately to diminish the number of tithe-payers. By a return which he had received, it appeared that, in 903 benefices, containing 346,000 tithe-payers, 132,000 had been struck off by the operation of the Act; thus, reducing the amount of discontent by at least one-third. This Act of the noble Lord was a measure of unqualified good, by rendering the tithe composition in Ireland universal and perpetual, and by substituting a fixed rent-charge for tithe. Mr. Goulburn's Act of 1823 was the first measure by which it was proposed that a composition should be substituted for the payment of tithe upon land. Mr. Goulburn's plan was a gross valuation of the amount of tithes for twenty-one years, liable to a valuation for the seven years immediately preceding the composition, according to the price of corn. The Act of the noble Lord altered Mr. Goulburn's Act, by making the gross amount of composition, when once fixed, perpetual, liable only to the variation in the price of corn in the seven preceding years. This advantage resulted from making the composition perpetual, that the farmer, who should expend capital and industry in improving his land, would not be liable at the end of twenty-one years to pay an increased amount of composition to the clergyman, which would have been the case under Mr. Goulburn's Act. The noble Lord's Act also effected another improvement in the law, by preventing the tithe-owner from distraining upon the poor tenants. By that Act, the power of going upon the land to seize for tithe was taken away from the tithe-owner, and he had his remedy against the landlord next above the occupying tenant. On the other hand, the Statute in question placed the tithe-owner in a situation of great difficulty, by imposing upon him the necessity of discovering who was the landlord immediately above the occupying tenant. In England, this would not be a matter of any difficulty, but in Ireland, where there were many intermediate landlords between the head landlord and the occupying tenant, it was quite the reverse. The difficulties arising out of this enactment were, indeed, so great, that it was impossible to carry the Act into effect. The noble Member for North Lancashire had never intended his Act to be permanent, because in every one of his speeches, and in every resolution which he had sub-

mitted to the House since 1831, he had stated, that his object was first, by establishing a composition to get rid of the class of poor tithe-payers, and then to fix a land-tax or rent-charge on the superior landlord, and to invest the produce in land for the support of the clergy. The right hon. Gentleman opposite (Mr. Littleton) adopted the same principle when he brought forward his measure respecting tithes last year. The right hon. Gentleman then said, that the only way in which the property of the Church could be secured, was by the imposition of a redeemable rent-charge, and laying out the redemption fund in the purchase of land for the support of the clergy. On this principle, the Bill of last year was founded, and the machinery by which it was to be carried into effect, was a land-tax for five years, and afterwards a rent-charge, both redeemable. In the Bill of August, last year, also, the principle of a rent charge was recognized. He thought that the immediate imposition of a rent charge upon the person most interested in the land, thus avoiding all interference with the poor tenant, would be the best. The imposition of a rent-charge on the land was not only good in principle, but proper as regarded the situation of the Protestant landlord in Ireland. He held in his hand a return of the quantity of land owned by the Protestants and Catholics respectively, in 903 benefices in Ireland, from which it appeared that the Protestants owned 10,500,000 acres, and the Catholics only 645,000. So that the number of acres belonging to the Protestant proprietors was in round numbers fifteen for every one belonging to Catholics; and the amount of composition paid by Protestants was 19*l.* for every 1*l.* paid by Catholics. He mentioned this circumstance merely for the purpose of showing that a rent-charge upon the land, which many persons considered a harsh proceeding, would fall chiefly upon the persons who, in fact, ought to bear it—namely, the Protestant owners of the land, and not on the Catholic population. He was, of course, well aware that in a legal point of view it mattered not whether the land liable to tithes belonged to Catholics or Protestants, because the burden was attached to the land without reference to the religion of the persons to whom it belonged. His decided opinion then was, that the imposition of a rent-charge was

the best mode of proceeding to meet the justice of the case, and to avoid collision with the poorer class of tithe-payers.—Upon this subject he had received a letter from a deputation of land agents in Dublin, dated the 12th instant, from which he would read an extract to the House. The writer stated—"That instead of a voluntary undertaking on the part of landlords, which is open to many objections, the law should be altered so as to render the chief landlord, or person having the first estate of inheritance in the land, liable for the tithe of his estate, and to compel him in every case to pay it under, and subject to, such reduction or abatement as Parliament may consider just and equitable." In another part of their communication those gentlemen said—"That, although not strictly within the objects of the present communication, the deputation cannot avoid expressing their opinion, that it would be most advisable to give landlords the power of redeeming the charge, either by an equivalent in land or by purchase, and that a provision to this effect should be introduced in any future enactment on the subject, and facilities afforded by Government for carrying it into effect." The bill of last year imposed a rent charge of 80*l.* for every 100*l.* of composition; in the bill which he proposed to introduce the rent-charge would be 75*l.* for every 100*l.* of composition, being five per cent. more in favour of the landlord than in the scheme of last year. By the scale of redemption, also, which would be established by his bill, the landlord would obtain a great advantage as compared with the scale proposed last year. To purchase 100*l.* of composition under the bill which he proposed to introduce, assuming it to be taken at twenty years purchase, it would require the sum of 1,500*l.*, whilst, by the bill of last year, it would have required 1,600*l.* Under the bill of last year, the highest price for the purchase for the redemption of 100*l.* of composition was 1,850*l.*, and the lowest 1,750*l.*; so that by the bill he intended to introduce, the landlord would, on the average, gain 250*l.* on the redemption of every 100*l.* of composition, or an advantage of about two years and a half purchase, in addition to the premium of twenty-five per cent. established by the difference between the 100*l.* composition, and the 75*l.* rent-charge. It was proposed that the landlord should give the advantage of the 25*l.*

per cent. difference between rent-charge and composition to the intermediate tenants, down to the occupier of the land. Having stated the advantage which would accrue to the landlord, he would now show in what manner the bill would affect the clergyman. The bill of last year proposed to give the tithe owner 77*l.* 10*s.* for every 100*l.*; but by the measure which he proposed to introduce, he would only receive 75*l.*, being 2*l.* 10*s.* less. It was, however, intended to indemnify the clergy to the extent of 75*l.*, that was to say, that if during the process of the investment of the redemption money any loss of interest should be sustained, the present incumbents would, during their lives, be guaranteed 75*l.* This indulgence would not extend to their successors; they must take the redemption money for what it might be worth in the securities in which it would be invested. In order that there might be no mistake upon this point, which he saw had attracted the attention of his right hon. Friend opposite (Mr. Littleton), he would read from a paper what it was he proposed to do with respect to it.—“Present incumbents to be indemnified against any loss accruing in the amount of their incomes below 75*l.* per cent., during the interval between the cessation of rent-charges and the investment of the redemption money received for it, and likewise against diminution of income below 75*l.* per cent., by the investment of the redemption-money in other securities by the Commissioners. The successors of the present incumbents will receive the income, whatever it may be, which the redemption of the rent-charge may produce. This indemnification is to be charged on the perpetuity purchase fund, leaving the Ecclesiastical fund untouched.” The incumbent would receive the rent-charge from the head landlord at stated periods; and if it should not be paid when due, he would apply to the Ecclesiastical Commissioners, who would immediately have recourse to a crown process to obtain it, so that under no circumstances would the incumbent be engaged in litigation with any of his parishioners. With respect to lay impropriations, they would be treated in the same manner as by the bill of last Session. They would receive their redemption money, and apply it as they thought proper; or if they were minors, it would be placed under the care of the Court of Chancery. He now came to the

most painful part of his task—namely, the consideration of the distressed state of the clergy. The clergy, as he had before observed, were placed in a situation of great difficulty. The Government had felt that no measure which they could bring forward would give perfect satisfaction, unless it should at once and for ever abolish tithe composition, and at no distant period put an extinction to tithes altogether. It would be proposed by the bill that the rent-charge should be imposed immediately for the present year, and should continue for three years, at the expiration of which time, it should be saleable in the market by the Ecclesiastical Commissioners, unless redeemed before that period. The consequence of that arrangement would be, that from the present year tithe and tithe-composition would be actually abolished. It was evident that for past years there could be but few arrears of tithe, because considerable advances had been made to the tithe-owners in 1831, 1832, and 1833, under the Million Act, which was passed in 1833. As the rent-charge would commence in the present year, there could be no arrears for the future, and therefore, the only arrears to be provided for would be those for 1834. The question then was, how were the clergy to obtain the arrears due in the year 1834? What course ought the Government to pursue with regard to this question? Would the House recommend the Government to employ the military in vindication of the law as it was called, by assisting at the collection of tithes? [“No!”] Certainly not; he was sure the House would deprecate the continuance of such a system. Would the House recommend Government to abandon the clergy, who were in a state of great distress, and whose only fault—if fault it were—was, that they had not enforced their claims to what was justly their due? Certainly not. That would be cruel injustice. Thirdly, would the House consent to apply the residue of the Million fund, amounting to about 360,000*l.* as far as it would go, to pay the arrears due to the clergy in 1834? This sum he feared would be very inadequate. He was aware, that there were great objections in principle to giving money to the tithe-owners, because to pay the debts of those persons who resisted the law was holding out a temptation to persevere in the same illegal course; but when the House recollected that the precedent had already

been established, and that by the grant of the 1,000,000*l.* an impression had been made upon the minds of the peasantry that they would no longer be called upon to pay tithes, it would probably be of opinion that it would be advisable, in order to prevent any further collision with the people, to act upon that precedent now. The same reasons which applied to the grant of the residue of the Million Fund would equally apply to the remission of the payment of the instalments due by the clergy. About 637,000*l.* had been advanced to the clergy, and by the law it was imperative upon them to repay it; but he asked the House, how it was possible that they could do so when they had not been receiving their tithes? It was a perfect delusion to suppose that the clergy, impoverished as they were, could repay the money which had been advanced to them. The enactment respecting the repayment of the loan would operate unjustly in many instances, for clergymen appointed in the course of last year to livings would be obliged to repay the money paid to their predecessors. By those who entertained an opinion that the Church of Ireland was a rich Church, and that seemed to be the opinion of many hon. Members opposite, it might be supposed that the money might be advanced out of the Ecclesiastical Fund; but if the House would examine, they would find that if this were done, the ecclesiastical fund would be greatly in debt, and there would be no prospect for several years of getting out of it. When the vestry cess was abolished, there was in that year a deficiency of 30,000*l.*, and in the present year there would be a deficiency of 40,000*l.* Altogether there was no more than 307,000*l.* and, if afterwards, the calls on the Ecclesiastical fund went on augmenting in that proportion, it would take thirty-three years to liquidate that debt. It could not come out of the perpetuity purchase fund, for, as we understood the right hon. Baronet, 50,000*l.* had been lately advanced for it by the Ecclesiastical Commissioners, who, in turn, were obliged to borrow 100,000*l.* from the Treasury. It therefore appeared to the Government that there was no alternative but to pay the arrears of 1834 out of the residue of the million advanced by Parliament. He would abstain at present from any notice of what had been urged upon the House respecting the appropriation of Church property in Ireland, be-

cause that consideration did not belong to the tithe question, and because the Government intended to give that question full and impartial consideration as soon as the Report of the Commission should be received. On the part of the clergy of Ireland there existed a sincere desire for the removal of those obstacles by which their usefulness was greatly impaired. Whatever their rights might be, there was no doubt that the collection of tithe was the fruitful source of agitation and violence; and rather than make the exaction of tithes any longer the bone of contention between the tithe-payer and the clergyman, they were quite prepared to give them up altogether, trusting to the House to make a proper provision in lieu of tithes. This was attempted to be done by the Measure he had the honour to propose; but whilst he felt that there might be many defects in the plan, he trusted the Committee would agree to the Resolution he meant to propose for their adoption substituting a rent-charge for tithes, and leading in a few years to the total extinction of tithes in every shape. The right hon. Baronet concluded by moving "That composition for tithes in Ireland should be abolished in consideration of an annual rent-charge, to issue out of the lands heretofore subject to the payment of such composition, and to be payable to the owners of the first estate of inheritance, or other estate in the nature of a perpetual interest; that such rent-charge shall be in the proportion of 75*l.* for every 100*l.* of composition; that such rent-charge shall be redeemable, and that the redemption money shall be invested in land, or otherwise, for the benefit of the persons entitled to such composition. And that the arrears of tithe due in the year 1834, shall be made up from the 307,000*l.* remaining out of 1,000,000*l.* advanced by Parliament to the clergy of Ireland in the year 1833."

Lord John Russell should say but a few words on the present occasion, not being inclined to offer any opposition to the measure of the right hon. Gentleman. At the same time he must remind the House, that a Bill not very dissimilar was brought into the House of Commons in the last year, and the House of Commons recommended the settlement of that great question in such a manner that he believed nearly all the principal opponents of that measure, sitting on the other side of the

House, were not in their hearts dissatisfied with it. That Bill, however, was on the second reading rejected by the House of Lords. Now, he would ask, what had been gained by that rejection? And what greater benefit would accrue to the people of Ireland by the passing of the right hon. Gentleman's measure than would have been secured to them by the Bill of last year? The right hon. Gentleman stated, and stated truly, that it was of the highest and most pressing importance to pass some measure which would avert the dreadful calamities that fell upon the people owing to the collection of tithe; but all this would have been effected by last year's Bill, under which the clergymen would have received 77*l.* 10*s.* for every 100*l.* of tithe. The right hon. Gentleman had stated that the clergy of Ireland were in a most distressed state, and he (Lord John Russell) was extremely sorry that it was so; but what did he do? He stated that he was going to give them an income of 75*l.* for every 100*l.* of tithe. What, then, was the gain to the clergyman, what to the public, by the loss of that Bill? What points of difference were there between that Bill and the present, and what became of the assertion that by that Bill the property of the Church was to be entirely secularized? If the right hon. Baronet was disposed to affirm that principle, what induced Gentlemen who were sitting on the Ministerial side of the House to stigmatize the measure of last Session as an act of spoliation? The late Government reduced the nominal income of the clergy of 100*l.* to a *bonâ fide* revenue of 60*l.*, and made up the difference to 80*l.* out of the Consolidated Fund; and if in effect the same principle was to be acted on by the present Administration, what right had their present supporters on that occasion to say to those who introduced the Bill of last year, "You have no right to secularize the property of the Church?" The difference was now to be made up out of the Perpetuity Purchase Fund. This was not a question of amount, but of principle, and it appeared to him that there was no point of principle that applied to the secularization of Church property in the Bill of last year which was not equally applicable to the present measure. Having stated, then, that it was not his intention to offer any opposition to the measure, and that he could discover no difference in principle

between that measure and last year's Bill, he should not enter into any discussion upon its details. He should merely say that he much doubted whether any advantage whatsoever would result from any measure for the abolition of tithes till the House had come to some firm decision with respect to the great question of appropriation. Till that was done, it was idle to hope that any Tithe Bill that could be passed for the relief of Ireland would effect its object; and till that was done there could be no hope of peace for Ireland, of effectual security for the Church, or stability to the institutions of the country. He would only add, that he was sure, that the right hon. Gentleman would not hurry his Bill, but, if the House agreed to his Resolutions, that he would lay his Bill on the Table, and allow ample time for the examination of its details.

Mr. *Shaw* was of opinion, that the noble Lord, who had just sat down, had fallen into an error in supposing, that there was no essential difference between the measure of last year and the present plan. He contended, that there was no difference between the two. He would endeavour to point out to the noble Lord a very material distinction between the two plans. In the first place, the Bill of last year proposed the reduction of forty per cent in the amount of tithes, whereas the present Bill only proposed a reduction of twenty-five per cent. He had always thought, that the transference of the liability of the payment of tithes from the occupiers to the owners of the land, would be a great advantage to the clergy; and that, therefore, they should give up some portion of their claims as compensation to the owners. The amount proposed last year—forty per cent—was a monstrous sacrifice for such an advantage. The noble Lord (Lord Althorp) who introduced the plan last year, in the first instance proposed, that they should give up only twenty per cent, and, with the exception of the charge of two and-a-half per cent, then proposed to be made, no objection was urged against that part of the arrangement by those who were supposed to represent the clergy of Ireland in the House. This part of the plan was subsequently altered in the manner he had stated. There were, however, some still more material objections to it—namely, the sum to be paid to the clergy, and the manner in which the sum should be made up. The noble Lord said,

that the clergy would have been better off by the Bill of last year, than by the present measure. No doubt they would, in a pecuniary sense, to the extent of two and-a-half per cent. As regarded the clergy, however, this was not a mere question of pounds, shillings, and pence, but it was a question of principle. In that respect, there was an incalculable difference between the two Bills. By the former Bill, forty per cent was to be deducted from tithes, but twenty per cent (deducting two and-a-half per cent) was to be paid to the clergyman from another source. This difference was to be made up out of the Consolidated Fund. For the purpose of inducing the landlord to coincide in the measure, a deduction of forty per cent was to be made, which he considered an unreasonable deduction; and also, that it was most objectionable in principle to make up the difference out of the Consolidated Fund. The present plan was not liable to the objections that were urged against the former, as it gave little or nothing of the property of the clergy to the landlords. The present measure settled the income of the clergy at seventy-five per cent of the present amount; and although the right hon. Gentleman took a distinction between their existing and future condition, yet seventy-five per cent might reasonably be taken as the general amount—minus the loss that might attend the change of property—in realizing the value of the tithes in land, or the public funds. Of course, there was always some loss on a private person selling an estate in one county, and investing the produce in property in an adjoining county, or in the public funds; and so, then, necessarily this would be the case in investing the redemption money for tithes in land or any other security. If he understood the right hon. Gentleman correctly, the sum was to be made up to the incumbent if a reduction took place, to the amount of seventy-five per cent, by payment out of the Perpetuity Purchase Fund. The great object of the Bill was the redemption of tithes, and investment of the produce in other property, for the maintenance of the clergy; but he repeated, that some loss must accrue during the period of re-investment; but the loss for the existing interest must be made up out of the fund he had just alluded to. By the Bill of last year, the clergy were tempted by the offer of a larger income;

and he did not complain on the part of the clergy of this offer; but they could not accept it without a sacrifice of principle, and a sacrifice of the future support of the clergy. They were then to receive a certain amount first out of the Consolidated Fund, and this was to be repaid out of the Perpetuity Purchase Fund. He had made a calculation on the subject, and he had no hesitation in saying, that if the measure of last year had been passed, they would have found it necessary to take three millions from the Consolidated Fund before there was a chance of repayment. The hon. Member for Middlesex might feel alarmed at seeing two millions beyond the arrears now due advanced beyond what could be realized out of the Perpetuity Fund to be formed under the Temporalities' Act. The fund would be found wholly inadequate to reimburse any such expenditure. His right hon. Friend had stated, that there would be a deficiency in this fund to the amount of 50,000*l.* for some years, out of which the Church-rates were to be paid, and small livings augmented. Therefore, if the clergy had accepted the Bill which was to give a great advantage to the landlord, and to take money from the Consolidated Fund, which afterwards was to be made up out of the Perpetuity Fund, they would be parties to absorbing Church property. His right hon. Friend proposed to have Church property permanently fixed after this deduction of twenty-five per cent. He thought he had shown clearly, that the former Bill would have secularized a considerable portion of Church property; but he did not see how the present Bill could secularize one shilling of that property. If he did, he would oppose it to the utmost; for he never would consent to apply to temporal purposes any property belonging to the Establishment. He was satisfied, that the present Government never would consent to such a principle. He was anxious for the settlement of the tithe question, and fully aware of its importance. He admitted, that in consequence of the notion that prevailed, this description of property was insecure; but he was also convinced, that unless this subject was settled, there would be no security for any property—no law would be obeyed, and no authority would be acknowledged. He trusted, that his Majesty's Government would never consent, that any portion of Church pro-

perty should be devoted to other than Ecclesiastical purposes; and he was sure, that they never would have permitted the continuation of those combinations against the law which had been carried to such an extent in Ireland. He was anxious to see the change which had now become necessary, effected by those who were friendly to our institutions. Hon. Gentlemen appeared astonished at his observation; but he was not anxious that changes in our institutions should be made by Reformers, who wished to destroy, but only by those who wished for improvement, and were, therefore, content to make a change. He wished to have every alteration connected with the Church, or its revenues, proposed, and carried by those who were known to be friends of the present system. He wished the changes in our Church Establishment to be effected only by those who were friendly to it. He had supported all the tithe measures of Lord Grey's Government, and he had offered to withdraw his opposition to the Church Temporalities' Act if Lord Althorp would give up the clause for the diminution of the number of Bishops. The hon. Member for Dublin said, that that was a perfectly valueless part of that Bill, but in his opinion, there was no other part of that Bill so objectionable as to render it necessary to divide the House on it if the clause were withdrawn. He never opposed change merely as an enemy to change, but only when he thought it would lead to injury. He had always supported it when he thought that it would lead to improvement. He differed in some minor details from his right hon. Friend (Sir H. Hardinge), but altogether he approved of the plan now proposed. He had ever objected to the notion of making the clergy repay the million that was advanced to them in consequence of the nonpayment of tithes. He said, at the time that if it were advanced, it never would be repaid, and it was impossible to expect, that this would be done unless the Government had taken steps to enforce the payment of tithes by the defaulters. The million was not advanced for the clergy, but for the tithe-payers. His right hon. Friend now asked for the overplus of the money actually paid to the clergy—namely, 332,000*l.*, which, in point of fact, was payment for the present arrears of tithes. The Bill to be brought in by his right hon. and gallant friend, that the affirmed Church

should keep its property, but it did not ask for anything. By former measures, money was advanced to the clergymen, but in reality for the land or tithe-payers, and for every 50*l.* given to the clergy, 100*l.* was given to the land. The Church now said,—“ We will reduce our permanent income 25*l.* per cent, and accept 75*l.* for every 100*l.* of tithe.” Every friend to the Church was anxious, that the rent-charges to be substituted for tithes, should be redeemed, and he trusted, that the Government would exert itself for the attainment of this result. The general feeling in Ireland was, that there would be no security to property if this question was not properly settled, and that, in point of fact, all other property would be brought to the same state as tithe property. He trusted the time had come in Ireland, when all moderate men would unite in defence of property and good order, and that an attempt would be made to put down the disturbers of the peace, and the makers of factious speeches. He could assure hon. Gentlemen opposite, that he was perfectly sincere. He had never supported political associations, or had belonged to such societies as had lately been alluded to. In conclusion, he begged to observe, that he got up merely to explain to the noble Lord the difference between the present measure, and that of last year, and shortly to state the reason why on the whole he approved of the Resolutions of his right hon. Friend. He trusted, that the clergy would meet his right hon. Friend in a spirit of concession, with a view to the final adjudication of this difficult question.

Viscount *Howick* did not rise to follow the right hon. and learned Gentleman through the various statements he had made; indeed, if he had felt inclined to do so, it would have been beyond his powers, such was the discursive nature of the right hon. Gentleman's observations. He rose merely to express a hope, that the right hon. Baronet would not call on them this night to assent to the whole of these Resolutions, but that he would consent to print them, and allow the House to postpone its determination except on those points on which he believed no material difficulty would arise. He agreed with his noble Friend, the Member for Devonshire, as to the principle of establishing a rent-charge, instead of tithes, and on that principle he should not have

the slightest objection to the introduction of the Bill, reserving to himself the right of canvassing its details at a future period. But if the subsequent part of these Resolutions were adopted, the House would pledge itself to two things, both of which were in his opinion, extremely objectionable. In the first place, there was the redemption of tithes on land. He was one of those who rejoiced most sincerely, when he heard that that part of the plan of last Session was abandoned. It always struck him as most inconsistent, that at the moment when they were doing away with Bishops' lands on the ground—and as he thought, the most unanswerable ground—that land held by persons not actuated by individual interest as private persons were, who were stimulated by the desire of gain to improve their own property—believing that land so held, never could be applied to the greatest advantage of the holders and the nation, and having come to a decision only two years ago, that Bishops' lands should be allowed to be purchased in fee by the present holders—it always appeared to him as the height of inconsistency with respect to that decision—a sort of countermarch, indeed—that they should invest again property from the commutation of tithe in land. He rejoiced, when he heard that that proposition was to be abandoned. But the objection he felt to that part of the Resolution, was of a milder character, and secondary to an objection he entertained to another portion of it. He did most strenuously object, and thought it his duty to his constituents, never to allow to be permanently saddled upon the people of this country, the payment of the million which had been advanced to the Irish clergy. If he thought that a grant of that sum, or even of a larger sum, would restore peace to Ireland—would put an end to those unhappy differences which all lamented—he would be the first person to come forward in support of such a grant. But he believed the grant, so far from contributing to that end, would effect precisely the reverse. He was most happy to hear his noble Friend (Lord John Russell) state, that it was not the duty of this House to pass any Bill of this nature, till the great question of appropriation was settled. When he looked back, he was afraid that it was owing to their having flinched from that question, that many of the difficulties

with which they had to contend, might be referred. He knew that the circumstances which occurred in passing the Reform Bill in 1832, and others which had transpired since, rendered it impossible, in his opinion, to deal with that question in the manner it required; but he thought that the events which had since taken place, and above all, the declaration of the right hon. Gentleman opposite, imposed it on them as a duty from which they could no longer shrink to decide that question before they agreed to any Tithe Bill whatever. He confessed he was one of those who were most anxious that the whole of the property belonging to the Church should be saved. He saw it at this moment in the most imminent danger of being lost altogether. Even the hon. and gallant Baronet (Sir Henry Hardinge) declared, that he was powerless in attempting to recover the million that had been advanced. It was plain, that unless they went to the root of the grievance, not only that million, but any further sum which they consented to advance, would be for ever lost. They must not conceal from themselves that the real grievance which the Irish people suffered under, was that of paying for the maintenance of a large Church Establishment which did not contribute to their welfare. For the Church of England, when it answered the ends for which it was intended, no man had a higher respect than he had: but he looked to a Church Establishment in the light in which it was described by one of the greatest ornaments of our present Episcopal Bench—he alluded to the Bishop of London, who had stated, that “the question, whether a Church Establishment was to be maintained or not, was plainly to be answered by another, namely;—Did it impede, or did it promote the moral and spiritual improvement of the people.” Judging of a Church Establishment in that manner, and looking to the state of Ireland, he felt that the Establishment of the Irish Church was one that ought not to be allowed to continue in its present state. He judged of the Irish people by himself. What would be the feelings, he would ask, of Englishmen, if Ireland were a large country like this, and they were debating in a Parliament, sitting in Dublin, four-fifths of the Members of which were Roman Catholics, the propriety of maintaining an immensely wealthy Roman Catholic Establishment in England. He knew what his feelings

would be if he were in that situation, and judging of the Roman Catholics by himself, he guessed what their feelings must be. He never would ask them to consent to do that, which, if he were in their place, he would never do. Feeling thus, it was impossible he could pledge himself to vote a grant of one million to be paid out of the pockets of the English people, for the purpose of maintaining a system so objectionable as that which now prevailed. He merely meant, in rising to-night, to state his hope, that the question involved in this part of the Resolution at least might be deferred to a future occasion. In doing so, he had been led further than he originally intended, but he must own, that he could not altogether regret it. Though, perhaps, this would not be the last opportunity he should have of taking part in the question, and though he was aware that hereafter it would be more fully and more completely entered into, still he was not sorry thus early to have stated his own opinion on this subject.

The *Chancellor of the Exchequer* trusted he could make an arrangement, that would preclude any difference of opinion. He confessed that the course which the noble Lord, the Member for Devonshire (Lord John Russell) had suggested, was the correct one, viz., to withhold all opposition to the present Resolution—the right being reserved of discussing the whole question hereafter. He thought the House might consent to pass this Resolution—the discussion being reserved till the Bill was brought forward, which would render it intelligible. The House would probably agree with him in thinking the Bill a necessary preliminary to the discussion. It was impossible to understand this measure from abstract Resolutions; the whole ought to be before them in a comprehensive form. He thought this course would not be objected to—it being admitted, that no man would be pledged by the preliminary proceeding to assent to any part of the measure to be hereafter introduced. That was the view, and he considered it a natural and just view, which was taken by the right hon. Baronet. In order to prove to the House, that by assenting to these Resolutions, it would not in the slightest degree lend itself to the measure that was to follow, he need only refer to the Resolution which was moved in the early part of last year. That Resolution was the foundation of a Bill,

and many assented to the Resolution who intended to object to the Bill. In the division, the numbers were 219 to 42, the Resolution being carried. It was considered by the House, not that agreeing to the Resolution was a pre-judging of the question, but that in assenting to the Resolution, the means were afforded of obtaining the Bill. The Resolution was as follows:—"That it is the opinion of this Committee, that Composition for tithes in Ireland should be abolished, in consideration of an annual rent-charge, to issue out of the lands heretofore subject to the payment of such composition, and to be payable to the owner of the first estate of inheritance, or other estate in the nature of a perpetual interest; that such rent-charge shall be in the proportion of 75*l.* for every 100*l.* of composition; that such rent-charge shall be redeemable, and that the redemption money shall be invested in land, or otherwise, for the benefit of the persons entitled to such composition." That Resolution was affirmed without opposition.

Viscount *Howick* said, there was a material difference between the Resolution just read, and the one now before the Committee.

The *Chancellor of the Exchequer* did not ask any man to preclude himself from making objections to the measure to be brought in on another occasion. Surely it was the usual course for the House to agree to such Resolutions.

Mr. *Hume*. One portion of the present Resolution related to a grant of money.

Viscount *Howick*: If the right hon. Baronet would leave out that part of the Resolution about the repayment of the million, the difficulty might be got over. As regarded the redemption of tithes in land, he was aware that was a matter of detail, and might be objected to in the course of the discussions on the Bill; but that part of the Resolution which called on the House to consent to a grant of money he thought ought to be objected to in the Committee in which it was proposed. He used the term grant, considering that where the Resolution said the repayment of the million should not be insisted on, the effect of it was a virtual grant.

The *Chancellor of the Exchequer* had always most anxiously endeavoured to avoid calling on the House to pledge itself irrevocably to any measure, without hav-

ng given it the fullest consideration—more particularly if the motion related to the disposal of the public money; and if the House should be of opinion that in assenting to the proposition which had been made, it in the slightest degree fettered itself, he certainly would not ask it to do so. He did not apprehend, however, that by assenting to the Resolutions the House would at all preclude itself from objecting to the measure.

Mr. Warburton said, that at any stage of the bill they might go into Committee, for the purpose of making this grant of money, if it were considered expedient.

The *Chancellor of the Exchequer* said, there would be no difficulty, at all events. He must admit, that he did not think it would be fair, without having given notice, to call on the House to affirm to-night that portion of the Resolutions excepted to, if doing so would have the effect apprehended; but having made this remark, he should like to have the opportunity of considering the point with reference to the precedents that existed. Perhaps he might find, that a separate Bill might be brought in after the Resolution was agreed to. He begged to ask, however, whether it would not be for the convenience of the House, that the whole measure, in as perfect a form as possible, should be before it prior to entering on the discussion. He wished now to address a few words to the House on the present condition of Ireland. Though many Gentlemen, who were in the last Parliament were conversant with the details; yet he thought it was an error which they often fell into to assume, that the information of hon. Gentlemen was perfect on the subject. But there were many who were now listening to this dry discussion for the first time, and probably they were not very well aware of the present state of the question. If ever there was a question that was difficult of adjustment in a manner consistent with equitable principles, it was this question. In a great part of the south of Ireland, there was a practical suspension of the collection of tithes. Attempts had been made, in some instances, to collect them, but those attempts met with resistance; and such were the patient endurance and forbearance of the clergy, that they rather submitted to see their families subjected to the utmost privations, than avail themselves of their legal rights, and enforce

their legal demands. About three years since, the sum of 60,000*l.* was advanced to the Protestant clergy in Ireland; and it was provided, that those who chose to avail themselves of an advance out of that sum of 60,000*l.* should be entitled to it, and the Government should have a claim to the recovery of the tithe. Subsequently an attempt was made on the part of the Government to levy that tithe; indeed repeated efforts were made, both by legal process, and by employing the military, to recover it; but it was found, that the expense of the recovery was almost as great—he believed it was even greater—than the sum actually recovered from the occupying tenants. The consequence was, that the noble Lord, who was then Chancellor of the Exchequer issued a notice, stating that no further attempts to recover the tithe would be made. That might be a wise measure, or it might be unwise; but he begged the House to consider what was likely to be the effect produced on the occupying tenantry when the Government, having the right and the power—having the whole force of the country at its disposal—intimated, that though the law had been violated, and was still set at defiance, no further attempts were to be made to vindicate it. The sum of one million was then granted for the purpose of providing for the arrears of tithes. The clergy were enabled to prefer their claim and receive a proportionate advance out of the million. Several did avail themselves of that grant, and received large sums, amounting on the whole to nearly 630,000*l.* This amount was distributed amongst both the ecclesiastic and lay-holders of tithes, and the provision made thereupon was this:—As they received advances of their tithes, they were to be liable to quinquennial repayments. The time had now arrived for the repayment of the instalment. In this state of affairs, what should the Legislature do. The sum was had according to the letter of the law, but by the same law, an equivalent at least was due from the occupying tenant to the clergy. Time pressed. If they required repayment, they must give the aid of a military force, if necessary, in aid of the civil power. ["No, no!"] What, then, would they give the civil power without the military? ["No, no!"] No—they would not give either the military or the civil power to enforce a legal claim, and how

then could they be guilty of the gross injustice of saying to the clergy—"We, who were entitled to this sum of 60,000*l.*, and having attempted to recover it, failed in so doing—we, who know that you have not the power to recover what is due to you—we tell you that we will not give you the aid of a military force, nor even that of the civil power, but nevertheless demand of you, powerless and reduced to beggary as you are—we demand of you, without giving you any assistance in enforcing your legal claim, the repayment of the sum we have advanced." Why was the whole evil of pursuing such a course limited to the injustice to the individuals? Was the Executive Government to stand by and see laws in the one case violated, and in the other strictly enforced, and this as regarded parties between whom no difference ought to be recognised? Was the Government to stand by and see the laws trampled on, and then say it would not alter those laws? Was it to see the daily violation of them without even an attempt at improvement? They might postpone the Resolution for a few days, but the question to which they must arrive was this—Would they relieve the clergy from the demand upon them, or enable them to recover an equivalent sum from the occupying tenant? Could they, with justice, impose the arrears as a rent-charge on the landlord? They could not charge on him not only an equivalent for the future payment of tithes, but for the arrears also. He doubted, that they could pass any law that could, in justice, impose such a burden on the landed proprietor. Independent of the equity view, there would be such legal difficulties in the way of the application of the principle, that he doubted if they could enforce it. Then, would they remit the sum in question altogether, as a peace-offering to Ireland, as a boon, not to the clergy, but entirely to the occupying tenantry? Would they remit that instalment altogether, or take one of these courses—impose the obligation on the landlord, or on the tenant? The hon. Gentleman was probably about to suggest, that there was another fund out of which it might be paid—namely, that fund in the hands of the Ecclesiastical Corporation, and generally called the Perpetuity Purchase Fund. The revenues of the Ecclesiastical Corporation were derived from two sources;

the first the holders of Bishops' leases, and the other was derived from the revenues of suppressed Bishoprics, and the taxation of existing Bishoprics. Before the House came to a decision on the subject, it would be necessary that it should call for an exact amount of the proceeds in the hands of the Ecclesiastical Corporation from the two sources he had mentioned. He believed it would be found, that more fallacious estimates than those they had heard of as to the amount of this property had never been framed. At present, all he knew was this, that sums had been borrowed from the Treasury, and that the fund was at present greatly in debt. The annual charges on that fund it was here necessary to explain. Two years since the land of Ireland was relieved from the Church-rates. The charges of providing for the support of the fabric of the Church, and for making a provision for the decent performance of divine worship, then were transferred to the fund of which he was speaking. At the present moment the income was as follows:—Revenues of sees of Bishoprics suppressed, 41,000*l.*; tax on future Prelates, 3,266*l.* But it was not necessary, perhaps, for him to go into the detail. The result would be, that with a present income amounting to about 40,000*l.* per annum, there would be charges to the amount of 70,000*l.* Surely the first charge on that fund ought to be the provision for the performance of divine worship. The first Motion, then, which ought to be made, was for an exact account of that fund; and the House would then find how impossible it was to charge that fund with any repayment on account of advances made to the Irish Protestant clergy. The result to which he came was, that it was wise, and that it was just also, to remit on the part of the public the claim on the clergy or repayment of their advances. The next question which would arise would be what course they were to pursue with respect to the arrears of the last year. As the right hon. Gentleman had said, if they remitted their claim for the past arrears, that settled the question; if they established a rent-charge on the land, that settled the question as to the future; but what were they to do with the arrears of the intermediate time—of the year 1834? If they adopted the course proposed by his right hon. Friend, there would be an end to tithe composition altogether; that was to

say, the occupying tenant would be relieved. To that course they must, in his opinion, come; they must, for the sake of peace, relieve him; and the question was, would they leave him subject to a demand for arrears?—would they vitiate the whole proceeding, and render it incomplete, by imposing on the Government the necessity of relying for the arrears on the civil power, or on military aid? He believed the House would not do that; it would not impose on the Government the painful alternative of seeing the law violated, or having it enforced by the military. If they took that alternative, some provision must be made for the arrears of 1834. Could any better course be pursued, having under the Million Act a surplus of 360,000*l.*, than that of applying the surplus exactly on the principle on which it was applied in 1831, 1832, and 1833—that of making advances out of it to the clergy, not for their benefit, but for the benefit of the occupying tenant? If they took that course, it would be intelligible, and the consequence would be the exemption of the occupying tenant from everything in the form of a direct payment to the Protestant clergy. He believed, that whatever differences existed between hon. Gentlemen on other matters, there were principles with respect to which there was no difference. One was, that the existing interests of the clergy ought to be protected, or at least some mode of equitable adjustment adopted, so that they did not suffer by the very forbearance they had exhibited, which ought only to give them an additional claim on the liberality of the House—that was one principle; and the other was, that the land of Ireland was subject by law to payments on account of tithe. No matter what diversity of opinion existed as to its ultimate appropriation, no reason whatever had been urged against an equitable adjustment of the claims of the clergy, and the leaving of the land of Ireland subject to tithe. Even those who contended in favour of the powers of Parliament to appropriate to secular purposes the property of the Church—even they claimed not for the landed proprietor the right of exemption from tithe. What his right hon. Friend proposed was this, that whereas the whole land of Ireland was at present subject to tithe composition, by a law to be passed the right to demand tithe, should be at an end; and over the whole of Ireland, partly

by arrangement, and partly by compulsion, composition should be established in lieu. He proposed further, that for every 100*l.* of that tithe composition (excepting in cases of tenants at will, and in cases of leases fallen in since 1832) now payable by the occupying tenant, seventy-five per cent should be paid by the head landlord of Ireland, leaving him to recover from those who held under him. This was the proposition made by his right hon. Friend. He proposed a compulsory composition on the part of the landed proprietor, on the principle that was recommended by the hon. and learned Gentleman opposite (Mr. O'Connell) last year. The hon. and learned Gentleman then gave it as his opinion, that they had no choice; that compulsory composition was their only alternative. This took place in the month of July; and it would probably be in the recollection of the House, that the ground on which he opposed the Bill then introduced was, that at so advanced a period of the Session, there was not a possibility of making the landed Gentlemen of Ireland acquainted with its details. The hon. and learned Gentleman seemed to doubt his statement. [Mr. O'Connell: The Bill was not mine.] Although it might not be the hon. and learned Gentleman's Bill, yet it was a suggestion, which fell from him when the subject was under debate. He recollected saying at that time, that if the Irish Members present could undertake for the landlords to say, that it would be considered equitable by them, he should be greatly disposed to listen to it. It was impossible to make a settlement of this sort without meeting with a thousand difficulties. He knew it was a very difficult subject, but when he saw the manner in which it was treated in Ireland, particularly in the south of Ireland—when he recollected, that the population were Roman Catholics, he could not find any alternative. He hoped hon. Members from Ireland would agree to it, because without their consent he was quite sure there would be great difficulty in carrying the measure. A remission of twenty-five per cent, and relieving the tenantry from the obligation of paying tithes, ought in the present state of things to be favourably received; and he did hope, that the hon. Irish Members of that House would lend their aid, not only as Members of Parliament, but as friends of the landlord, and as friends of Ireland, to this measure,

which appeared to afford the only hope of a fair and equitable adjustment. Those, then, were the principles of his right hon. friend's proposal—to remit the sum due on account of past advances, to apply the balance of about 360,000*l.* in part to meet the claims of the clergy, for it would only be in part, to put an end altogether to the demand of tithe composition, or any immediate demand on the part of Government or the clergy, on account of arrears of tithes, and for the future to impose an equivalent for tithes in the shape of a rent-charge on the land, to be paid by the landed proprietor, and to be recovered by him in the shape of rent. That was the principle, and after the most mature consideration, his opinion was, that no more preferable course could possibly be adopted. He admitted to the noble Lord (Lord Howick) that no progress ought to be made with the measure until the question with respect to the appropriation of Church property was brought before the House. That he believed, was to come on for discussion on Monday, the 30th; and, however pressing the necessity for some prompt step with respect to tithes, yet it could not be so pressing as to render it necessary to decide the question even upon the principle of the measure, until the other most important subject to which he had adverted, had been brought forward, and he was quite confident, that his right hon. friend would not press it before. He did also hope, that before the House involved itself in any precipitate Resolution with respect to the appropriation of Church property in Ireland, it would ascertain whether or not there was any surplus after providing for the wants of the Protestant Church, and before it came to any speculative conclusion upon the subject; and that only an absolute necessity would prevent hon. Members from coming to a conclusion favourable to the proposition now before them.

Mr. O'Connell was overpowered by the magnitude of this Question, and the deep interest the people of Ireland had in every discussion that took place in that House upon this subject. There was no use in trying to appease the people of Ireland, unless something was given to them; and he had never heard two speeches with more regret than the speech of the right hon. and gallant Officer, and that of the right hon. Baronet, (the Chancellor of the Exchequer.) The right hon. Baronet's speech

was, indeed, a little more subdued, than his usual manner of treating Ministerial questions. There had been nothing said by either of them from which the people of Ireland could entertain the slightest expectation of relief. In fact, this measure would shut out all prospect of real and substantial relief to the people of Ireland. It reminded him of a ludicrous military case in which the celebrated Dr. Slop, who was a great metaphysician, gave Corporal Trim a most exquisite disquisition on metaphysics. The Corporal heard the whole in silence, and when asked what he thought of it, his answer was, "It might be all very well, but one thrust of the bayonet would be worth the whole of it." So he would say on the present occasion, one word would be worth the whole of this measure and all the speeches by which it was introduced—that one word was "appropriation"—a word which would exert a magical influence in Ireland. They had just heard it thrown out by the right hon. Baronet (Sir Robert Peel) that there would in all probability be no surplus to appropriate. Why, then, not treat them to the word? What possible harm could that do? Talk not to them of Church revenues, and the surplus of Church revenues, after providing for the spiritual wants of the Protestant population, for, insisted the right hon. Baronet, there might be no surplus. Then, why not indulge the unfortunate people of Ireland by giving them, in case there should be a surplus, the word "appropriation" if nothing else? What would go forth to Ireland to-morrow from the course of the debate that night? Compare the situation and expectations of the people of Ireland at the close of last Session with the prospects they would have after this discussion. Contrast what it was they had then a right to expect—a pledge from the Ministry, sanctioned by the House of Commons; and what they were told was now to be dealt out to them by the present Administration? Why, in the first place, it was this—tithe composition, which was demonstrated last Session to have been enormously overrated in an immense number of parishes, which Irish Members, one after another, rose and proved in multitudes of instances, amounting probably to one-third, if not to one-half, of the parishes in Ireland, had been grossly and terrifically overrated: they had a distinct promise and pledge that

that overrating should be looked into and examined by a dispassionate tribunal, and reduced to what it ought to be. What a difference was there in this respect between the right hon. Baronet's statement and the tithe bill of last year! But that was not the only difference. There was another. The tithe composition was to be reduced, not only to 75 per cent., as at present, but to 60 per cent. Two-fifths of a reasonable composition was to be struck off. That pledge was given by the Ministry, sanctioned by the House of Commons, to the people of Ireland; but now, what did they do? They actually proclaimed directly 15*l.* per cent. additional on an unfair and greatly overcharged composition. He meant not the slightest personal disrespect, but would not the people of Ireland consider it pure cant and hypocrisy, to talk after that of wishing thus to make peace in that country? The exorbitant composition was to remain; for in neither of the speeches of the right hon. Baronet's was there one word of the prospect of mitigating the composition; and instead of allowing it to remain at 60*l.* they made it up to 75*l.* per cent.; with the benevolent intention, forsooth, of begetting peace for Ireland! But that was not all. The Ministry avowed their determination at the close of last Session to give the appropriation, and actually issued a Commission for the purpose of ascertaining what was the surplus to be appropriated. The Tithe Bill, under those circumstances, passed that House—it passed by an overwhelming majority, the minority being as nothing compared to the majority; and the people of Ireland were cheered by the hope and prospect that a new system was about to be commenced. The Ministry that passed that Bill were pledged to the appropriation, and put the machinery for ascertaining what that appropriation should be into actual and immediate progress. To be sure, the House of Lords were pleased to throw out that Bill; and he should like to know whether there was a man on those (the Treasury) Benches, with the exception, perhaps, of the right hon. Recorder of Dublin, who did not now deplore most deeply, that act of the House of Lords to which he had referred? In what situation did they place themselves with respect to the people of Ireland? Why this—they were told here is a measure for peace—what was it to do? Were the parsons to have more than last

year? No, they were to have less. They were to have 77*l.* 10*s.* per cent. last year; now they were only to have 75*l.* He repeated, then, he was a better friend to the parsons than the right hon. Baronet, or even than the right hon. Recorder of Dublin himself. They were now to have 2½ per cent. less than by the Bill of last year. Well, but if the parsons were to have less the people would have to pay less of course; no such thing, they were actually to pay more, and that upon an admitted overcharged composition. Such was that mighty magical measure, introduced by that galaxy of glory, the present Ministry, which was to heal the wounds of Ireland, and proclaim peace and tranquillity in all her borders. The right hon. Baronet, the Chancellor of the Exchequer, had given them a history of the tithe system in Ireland. But where did he begin? Only two or three years back. Did he not know, was there any one in that House who had condescended to think of Ireland at all, who did not know, that resistance to tithe payments was in Ireland commenced before the recollection of the oldest individual then hearing him—that its first outbreaking was, in fact, in 1759, and that it was marked in the statute-book by Acts of Parliament of the most violent and sanguinary description? The first direct statute was in 1772, and consisted of a summary process which empowered the magistrates to shoot any one who opposed the payment of tithes; that, however, was repealed in 1775, and an act was passed creating upwards of ninety capital felonies for resistance to the payment of tithes; and those acts were followed by a complication of statutes exceeding each other in barbarity and cruelty. The Tithe Bills were continued, laws passed, with some cessation from time to time, but the innate sense of injustice, the conviction of wrong arising from the payment of a sinecure Protestant clergy by a Catholic population, overturned the boundaries of law, broke asunder the parchment chains of the Acts of Parliament, the dungeons were filled, the convict-ship was crowded, even the scaffold was reared, and blood was shed in oceans, but shed in vain. Was it not time to put an end to such scenes of atrocity? Blood was flowing still; even now was not Rathcormac red with human gore? He did not mean to canvass the merits of that melancholy event, which was under process of legal inquiry;

but two magistrates who were implicated in the matter had presided over the investigation. A poor woman was examined. Had hon. Members read her statement? The mother was with her son in the morning. After the affray she went out to look for her son. The first body she turned over she shouted for joy. Why? Because human blood had been spilled? Because the life of a human creature had been sacrificed? Ah! no; but because it happened not to have been her son. She had a similar shout of joy, looking in the countenance of the second murdered man; but the third was her son; from that moment her eye-balls became as coals of fire, and she had not shed a single tear. That woman's tears had not yet begun to flow. When was she to have redress? She was to have no redress; and the cause of her woe, the grand evil, was still to remain in Ireland. They were still to follow up the old course, giving new acts of Parliament, but no new principle, no new spirit unknown to their predecessors, and leaving all the evils of the tithe system substantially untouched, and in full operation. What did it signify whether the designation was tithe, or tithe-composition, or land-tax, or rent-charge, magical as names were supposed to be? Would that verbal magic do away with the intolerable, interminable injustice, of the impost so obnoxious in itself? What, then, he again demanded, was the benefit derived from the present plan, superior to that presented at the close of last Session, when the Minister and the House of Commons pledged themselves to a new principle? He would next advert to the composition. The landlords were to pay 75*l.* per cent; but they were to recover it from their tenants; and would the people of Ireland be quieted merely because the tithe had changed its name to that of a land-tax? They knew how it was to be applied; and would that satisfy them? Would the evil not still remain in all its force—the stinging curse with all its poison and all its power? The right hon. and gallant Gentleman had treated them to a calculation with respect to the proportionate number of acres held respectively by the Protestants and Catholics of Ireland; but was it to be found in any Parliamentary Return? No; it was merely a calculation made by some of the Boytons and O'Sullivans, in their peregrinations in England, and yet that was

gravely quoted as a document on which they were called on solemnly to legislate. But how were the calculations made? Why, on the fee simple, to be sure. Why, he could mention a noble Lord whose large estates were let in perpetuity to nine-tenths Catholics; and in that case, even they were set down as Protestant acres in the calculation, although practically, and to all intents and purposes, they were Catholic acres. He stated this merely for the purpose of demonstrating on what slender and untenable grounds the Government were now proceeding. A long discussion had taken place relative to the grant of the million. When that had been proposed, he called on the House of Commons not to vote it, if they ever expected to be re-paid. The right hon. Baronet, the Chancellor of the Exchequer, asked, whether he was prepared to call for its re-payment? He was not. He thought, as they were so fond of misgoverning Ireland, they ought to pay for it, but only in order to procure peace for Ireland. It would not be too dear a purchase, if they could even take thereby one step, howsoever trifling or tardy, towards the good of Ireland, as the House was disposed to do when it voted it; but there was no reason why it should be thrown away for nothing. The people of England should not pay so large an amount, while the people of Ireland got no real compensation or advantage from it. There had been a great deal of rallying on some Irish Members, by those who, on the other side of the House, professed to have great esteem for property, and respect for personal rights, who had no political feelings whatever—no, not they; who had all the meek forbearance of the Quaker, who, when attacked by the mad dog, protested that he would only pat it on the head, and cry, “Mad dog, mad dog.” It was said that many clergymen had not accepted the million; but who advised them not to accept it? and what had been the consequence? Would the murder at Rathcormac have happened, if the million had been accepted? Perhaps it might; but would that of Tahana have occurred, had the Rev. Mr. Locke taken his share of it? Was it not time, then, that a Bill should be brought into that House promising to Ireland a termination of that system which hitherto had been its baneful curse—which it had hitherto resisted, and which unfortunately it was still determined, in all

probability, judging from the past seventy-six years, to resist (every experiment having been tried, except that of altering the principle—everything that force, everything that legislation, everything that the hocus-pocus of changing names could do, having been done)—were they not yet prepared to alleviate the real substantial grievance of that unhappy country, by declaring that a Catholic people should not be called on to support a sinecure Church, from which they derived no spiritual instruction? The right hon. Baronet, the Chancellor of the Exchequer, would do him the justice to remember that he (Mr. O'Connell) had never in that House advocated the opinion that existing interests should be disregarded. He was sorry to say, that the disposition manifested by the most violent opponents of the tithe system in that House, to recognize the granting full compensation to present incumbents, during their lives, had not been met by a proper and graceful spirit of reciprocity on the part of the clergy. But no matter how they might have misconducted themselves, the principle still remained the same, and he was still for giving them full compensation for their life interests, looking only to the appropriation of the surplus as sinecures fell in, and as present lives dropped off. The right hon. Recorder had indulged a good deal in a most amusing and ingenious disquisition on the principle of secularizing Ecclesiastical property in Ireland, and he gravely argued, that because the Consolidated Fund interfered in the former Bill to make up deficiencies, which it did not in the present, the deficiencies now being to be made up out of the Perpetuity Fund, in the former case there was an end of spirituality, and, therefore, secularization, which was all very well in the way of scholastic amusement, but would never do for the people of Ireland. They would come round to the principle; would Government recognize that principle? No, they could not afford to dispense with a party which in Ireland was now rampantly triumphant. He supposed the newspapers told them falsely of human blood having been shed in Enniskillen, and the slaughter within a few days of sixty-seven individuals; but they did not tell them erroneously of party processions in that part of the country. It was to sustain that party, that Ministers were still to persevere in their present course. Seventy-five

pounds per cent was to be levied by the owners of the fee on those next to them, and by them in turn on those beneath them, without the possibility, perhaps, of finding anything but that unfortunate passive resistance to prevent them from levying the entire 100%, as many landlords would be glad to do, if not sufficiently controlled. The noble Lord, the Member for North Lancashire, (Lord Stanley), proposed what struck him (Mr. O'Connell) as an exceedingly humane measure, exempting, as it did, the lower order of cottagers from the payment of tithe composition altogether, and that Bill had actually struck off, in numerical amount, 250,000 from direct liability. But although such had been its operation, had it given peace?—was Ireland more tranquil now, than before that period? No. The noble Lord's attempt to shelter those people, had been vain; injustice was still committed upon them, and that principle of injustice was still to remain. The right hon. and gallant Gentleman (Sir Henry Hardinge), admitted that the collection of tithes was still enveloped in the same difficulties; in fact, they were going on increasing, and became every year infinitely more alarming, and if the present Ministry should gain a majority in that House, there was no prospect of any relief whatever. He implored them to take the question of appropriation into their most serious consideration. Every other principle had been tried and failed. If they gave not Ireland the principle of appropriation, they would give them nothing. He respectfully and humbly protested against the measure. The present measure proposed nothing to mitigate, nothing to soften, nothing to conciliate, nothing that could by possibility hold out a hope of better days for his unfortunate country; and if the House did not stand together, and enforce the new principle of appropriation, it would be in vain to look for the pacification and welfare of Ireland.

Colonel Conolly stated, that his reasons for supporting the measure of the Government was, that it carried in view all those considerations mentioned by the hon. Member for Dublin, but without doing injustice to any one. The Member for Dublin had never once mentioned the clergy, who had been suffering from a series of misfortunes only surpassed by their forbearance. He entirely approved of that determination of the Government

not to divert Ecclesiastical revenues from Ecclesiastical purposes. The reiterated assertions of the right hon. Baronet, as well as the details of the measure now before the House, equally assured him that the right hon. Baronet would never suffer under the imputation of assisting in such an injustice. The right hon. Baronet would never look on, and allow Bills to pass that House designed for the robbery of one party without any satisfaction being given to the other. The present Bill did ample justice to the clergy, secured a present income to the present incumbents, and did as much as could be done without producing irritation. He believed it would also have the effect of promoting the general tranquillity. He was happy and proud to bear testimony to the admirable conduct of the great body of the landed proprietors of Ireland with respect to their efforts to give effect to the Bill of the noble Lord the member for Lancashire, by taking the payment of the tithes on themselves. The hon. and learned Member for Dublin had said that the landlords would avail themselves of the reduction which the present measure offered, and would not extend it to their tenantry; but there never was a greater calumny uttered. It was of a piece with all others uttered by the hon. and learned Member when he had a purpose, party or personal, to serve. The hon. and learned Member thought he could do with the present measure as he had done with the last—thrust it down the throat of the Government; but he would find himself greatly mistaken, because the measure of the Government was a sound measure in principle, while that which the hon. Member passed through the House last Session was no better than a protested Bill. If the former had passed through the other branches of the Legislature he was of opinion that the Minister would have to come down to the House and congratulate the country on the retrogression of Christianity, for the very name of religion would, by its operation, be erased from the land. The hon. and learned Member for Dublin took credit to himself for supporting the advance to the clergy in the last Session, and defending their interests in the present debate; but what the hon. and learned Member did was for the purposes of delusion, and to create fresh cause of excitement. He first kindled a flame, and then increased

it by his pretended efforts to stifle it. He would delude the clergy and deceive the people; but the present measure prevented his doing either. Therefore, no greater advantage could have been conferred on the country than the rejection of the Bill of the last Session, which the hon. and learned Gentleman had assisted in licking into the shape it bore at the time of its passing that House. There never was a more judicious exercise of power than that by which the House of Lords threw out the Tithe Bill of last Session. With respect to the remission of the 670,000*l.* due to the country by the clergy, and the appropriation of the remaining 330,000*l.* to the uses of that body, he (Colonel Conolly) felt bound to say that he fully concurred in the principle which dictated it. He thought it was imperative on the House to do so, as by granting it originally a lawless spirit had been fostered and encouraged in Ireland. Having by this indirect means deprived the clergy of their incomes, in common justice the House was bound not to enforce the payment of the relief it had tendered to them. The resolution before the House had, he believed, the suppression of agitation in Ireland for its object; it should therefore have his best support. If it should receive the sanction of the clergy and be embraced by the landlords, as he had no doubt it would, the virus would be taken from agitation, and the power of doing mischief from the demagogue. By its means the Protestant clergyman would be relieved from the painful task of looking for his income to the pauper Roman Catholic, because it would be secured to him without trouble, and without unseemly collision with his flock. He was quite sure that had the Bill of the hon. and learned Member become the law, property in the first instance, and life afterwards, would have been deprived of all security in Ireland.

Mr. *Charles Wood* wished to know whether he understood the right hon. Baronet rightly, that the second Resolution would not be pressed, and that the first only would be put *pro formâ*, in order to enable the Government to bring in the Bill?

The *Chancellor of the Exchequer* said, he did not mean to call on the House without notice to affirm to-night the resolution, to the effect that the sum of 630,000*l.* should be remitted, and the

340,000*l.* remaining of the 1,000,000*l.* should go to make up the arrears due to the clergy last year. Certainly he did not mean to abandon it, considering it, in fact, essential to the success of the whole measure, and therefore, although he should not press it now, he should take some other opportunity of calling on the House to affirm that proposition.

Sir Henry Hardinge said that originally the Resolutions did not contain that provision with respect to the remission of the quinquennial instalments, and the grant of the remaining part of the million towards the arrears of last year, but it had been considered better to introduce it in order to give the House a more complete idea of the plan which Ministers had in contemplation. In fact the second Resolution was only added that afternoon, after entering the House.

Mr. Charles Wood was satisfied with the explanation; and on the understanding that passing the first Resolution did not pledge them to redemption, but merely to furnish the groundwork for the introduction of the Bill, he must say the House would not be discharging its duty if it did not permit the introduction of the measure, in order that they might have an opportunity of forming a correct judgment on its principle and details. But with respect to the second Resolution, he must hear a great deal more of the impossibility of the clergy repaying the million, before he consented to charge his constituents and the people of England with the payment of so large a sum. When it had been voted, they were given to understand that it should certainly be repaid. In his apprehension, nothing could be more evident than that from some fund or other they were entitled to look for the repayment of that money. There never had occurred the slightest circumstance which could at all warrant an assumption to the contrary. He would not then enter into the general question of the Irish Church, or the propositions which had in the last or the present Session of Parliament been made with a view to a Tithe Bill. To enter upon the wide field of such a discussion was not then his intention, but he could not refrain altogether from saying that it afforded him much pleasure to learn that it was the intention of his noble Friend (Lord John Russell), very speedily to make a proposition to Parliament with the design

of settling the appropriation question; for, looking, as he must, at the two questions as inseparably connected, the one with the other, he despaired of seeing any satisfactory adjustment of either, unless both were finally disposed of. In his opinion, it would be perfectly impossible to do otherwise than settle both questions at one and the same time. According to the Resolutions then before the Committee, the proceeds derivable from tithe compositions were to be invested in lands. Now, he was sure the Committee would agree with him, that that mode of investment, and the subsequent appropriation of these proceeds, involved vital questions, which no consideration—at least, none that he had heard urged—ought to induce the House to entertain without ample notice and detailed explanation. The state of the Tithe Question and the condition of Ireland were already before the House. Every effort to collect tithes had been tried, and tried in vain. Every device, civil and military, had been resorted to,—but force and persuasion were alike unsuccessful? Need he add the expression of his full conviction, that unless the intentions of his Majesty's Government respecting appropriation were fully developed, it would be utterly useless to proceed further? From the pauper tenantry of Ireland they could obtain no payments; for the suffering Church of Ireland they could procure no benefits. It would be as mischievous as it would be vain to trifle any longer with the condition of Ireland, or to postpone the final settlement of a question so urgent as that of tithes. Into a discussion of the merits of that question it was, as he already said, not then his intention to enter. He merely wished to express thus emphatically to the House the opinion which he could not help entertaining, but beyond that he did not, under existing circumstances, think it expedient to go, and therefore, for the present, he should offer no further opposition to the proceeding before the House.

Mr. Littleton was unwilling that such a Resolution as that then in the hands of the Chairman should be disposed of without his availing himself of the opportunity then presented of expressing his opinion as to the present situation of the Tithe Question. One opinion he certainly did entertain, that for a time at least, the judgment of the House ought to be sus-

pended, in order to allow hon. Members time to have the measure of the present Session, and of the present Ministry, placed in juxta position, or at least fairly compared, with that of the last year and the former Government. Under protest then, and reserving to himself the privilege individually of uttering the monosyllable "no," he should not feel called upon to offer any opposition beyond that to the passing of the first resolution; and he had the less hesitation in determining to adopt such a course, when he perceived, as he did with some satisfaction, that the right hon. Baronet opposite was not indisposed to give up for the present the rest of the proposed resolutions. He had now a few words to say on the subject of the loan to the clergy of the Established Church in Ireland—a subject respecting which he must be allowed to observe there had been opinions expressed which were not at all warranted by the facts connected with the grant of 1,000,000*l.* In the first place, he did not for a single moment hesitate to affirm that if the late Government had remained in office, a considerable portion of that loan would have been repaid. The clergy had not only from the outset formed the intention, but had since continued to entertain the intention, of repaying that loan, and several of them had given full proof of the sincerity and good faith with which they were disposed to discharge the obligations they had contracted with the Government. But apart from any expectations which might be formed on the subject—and to his knowledge such expectations were well founded—this fact was to be borne in mind, that several of the clergy who had obtained the advance from Government, had, in right thereof, recovered a considerable number of the instalments from the occupying tenant. Thus they were put in possession, not only of the loan, but of the sums designed for its repayment. If his information were correct, as he felt perfectly assured it was, he called upon hon. Members to say how they could reconcile it to their views of public duty, or even of common justice, to assent to a set of propositions intended not only to relieve all partakers of this loan from any obligation of repayment, but to enable those who had possessed themselves of the funds which were to supply the means of payment to retain possession of those funds in addition to the shares they had

obtained of the loan itself, thus as it were giving them the advantage of a double loan, or rather gift. There was a point remaining upon which he thought it necessary to make a single remark. Some hon. Members had thought it right to institute a comparison between the measures of the late and the present Governments on the subject of tithes. Of such comparison he should be the last in the world to complain; on the contrary, he desired a comparison, but his wish was, that it should be fairly instituted. Now, nothing could be more unjust towards the late Ministers than to compare their Bill of February with the measure then before the House. Justice required that they should be judged by the proposition which they submitted to the House in the month of August following. The matured and amended measure was that by which they desired to stand or fall in the estimation of the House. Of the measure of August he might, at least, be allowed to say, that it consulted the wishes, the interests, and the feelings of the landlords, and it completely in his opinion, closed the Tithe Question. He had previously stated that he should not oppose the first Resolution, and under protest, as he before said, he should not divide the House.

Mr. *Hume* began by saying, that he was most anxious to call the attention of the House to the course which, at the recommendation of his Majesty's Ministers, they were then pursuing, or rather, he should say, endeavouring to pursue, for, in his judgment, it was utterly and totally impossible that they could continue to proceed in that manner. He would earnestly request of hon. Members to look at the question before them, which in truth resolved itself into two questions—that of Irish tithes, and of the sum of 1,000,000*l.* granted to the clergy of the Established Church in Ireland. The most material point to be looked to in the first instance was the grant of 1,000,000*l.* That sum was voted in the last Session of Parliament, and the Act under which it was given to the clergy enacted that the million should be repaid into the treasury. He presumed, then, that it must be perfectly clear to every Member in that House, that to vote away the right to repayment would be in total contradiction of the Act of last Session, and he must take leave to say, that that was the first occasion upon which a sum

of a million was voted away in that House without notice—without the least intimation of any such design being in the contemplation of his Majesty's Government. It was bad enough at any time to vote away a million of the public money, but to do so without notice, was a thing unprecedented, and in every point of view in which it could be considered, calling for determined resistance on the part of every independent Member of that House. He would beg of those Members who had a sincere and earnest desire to protect the public purse just to direct their attention fairly and impartially to the proposal made from the other side of the House. It was, that one of the Resolutions was to be agreed to *pro forma*, and the other allowed to stand over for some time. If it were really the fact, that the proceeding amounted to nothing more than a mere *pro forma* proceeding, why might they not as well agree to all the Resolutions *pro forma*, and let not the House be concluded as respected any of them. Many were of opinion that the one could not be taken without the other, and many, he hoped and believed, thought with him, that neither should be affirmed by the Representatives of the people; but one truth was so plain that he could not for a moment suppose it necessary to endeavour to render it more evident—namely, that the public money, to the amount of a million, should not be voted away without notice at least. Let the House only fix its attention upon the conduct of Ministers. They come down to that House with two Resolutions; they find Members not quite so accommodating as they expected, and though at first, according to their representation, the two Resolutions were perfectly inseparable,—the one, as they said, could on no account and by no manner of means be given up—the connexion subsisting, or supposed to subsist, between those Resolutions being indispensable. He said, supposed to exist, for as the matter turned out, it proved to be mere supposition; hence, as soon as the right hon. Baronet found the House at all indisposed to entertain the Motion in its fullest extent, he turned round and professed himself perfectly willing to put off to another opportunity the latter portion of his Resolutions, hoping, perhaps, that with a fuller House—one containing a greater number of his supporters—he might be able to

carry his Motion in all its fulness. What was the object of the present Bill? It was said, “to give peace to Ireland.” Peace to Ireland! Did any man in his senses expect, that peace could be given to Ireland, so long as the question of appropriation remained unsettled? He believed, there was not an impartial and intelligent man in the community who thought otherwise than that appropriation constituted almost the whole question—then why have two separate proceedings? The reason was but too plain—the right hon. Baronet felt that he could not carry the whole proposition, and accordingly resolved upon any terms to carry as much of his Motion as he possibly could, and leave to the future chances of fortune, the hope of getting through with the remainder of it. Was that the way in which the business of the House ought to be carried on? He felt almost assured, that the majority of the Members present would agree with him, that they ought to adjourn the further consideration of the question to a future day. He persuaded himself that when the right hon. Baronet reflected upon the situation in which he and the Government stood, as well as that in which the House was placed, he would feel that he ought not to press the Motion further. He called upon the Government to be consistent, to let the whole question stand over, and upon proper notice, bring in a Bill embracing the whole, but not in that way to introduce a Bill, now for one half, and now for another. Let the House only look at the inconsistency of all this. He should not attempt to follow the right hon. and learned Member for Dublin University through all his details, though some of them displayed in a very unexpected light the melancholy changes of opinion which had taken place amongst the Members of that House. He could scarcely conceive, how it was possible that in one short year so mighty an alteration should have taken place. The House had been favoured with a lengthened harangue, the object, and the sole object, of which was to account for that most remarkable change of opinion—a change for which no man could account who recollected that principles remained the same, and that no new occurrences had given a different aspect to affairs. In order to induce hon. Members to agree to the proposition of

the Government, it was said will you not make a temporary sacrifice for the sake of the peace of Ireland? Certainly, he should be perfectly ready to make almost any sacrifice that would tend to the peace of that unhappy and divided country; but what assurance could he receive that a concession of all that Ministers asked would have the effect of giving peace to Ireland? But it was said, or it might be said, that, if the Ministers of the Crown were satisfied with it, it ought not to be refused. The right hon. Baronet at the head of the Government might be satisfied with half, but would the House be satisfied? Would the country be satisfied? For consistency sake he entreated them not to entertain such a proposition. It was to him a matter of the utmost wonder, that the men now invested with the confidence of the Crown could forget the principles for which they so strenuously contended in the last Session of Parliament. The inconsistency generally of those hon. Members who supported the Resolutions, did appear to him most unaccountable. He could not conceive how men of honour could contend in one year for principles the most plain and intelligible, and in the next, without any change of circumstances, maintain the direct contrary. In justice to the character of their proceedings, and in common fairness to such Members of the present Parliament as had not seats in the last, he entreated the House not to yield itself to the advice and recommendations of the right hon. Baronet, who, in nominally obtaining half, would virtually accomplish the whole of that at which he aimed. On the 30th of March the question—he might add the whole question—of the Church would come under the consideration of the House; the present Resolutions might, he thought, be advantageously postponed till the 2nd of April; a ballot, as he understood, was fixed for the 3rd. The question with the House now was, whether they would proceed to a division on the question before them, or would they agree to an adjournment. He understood, that according to the forms of Parliament he could not propose an adjournment, but the proper mode of proceeding was to move that the Chairman do report progress, and ask leave to sit again, and a Motion to that effect he then begged leave to submit.

The *Chancellor of the Exchequer* said, he should certainly take the sense of the House upon the first of the Resolutions for the purpose of obtaining in that form permission to bring in the Bill which his right hon. and gallant Friend sought to introduce. By the affirmation of that Resolution, the House would have an opportunity afforded it of comparing the measures of the last year and of the present, and of judging between them. By voting for that Resolution, no hon. Member would be in the least degree committed to the principle of the Bill; and as to the second point to which attention had been so emphatically called, it was only necessary for him to observe, that if any Gentleman complained of being taken by surprise, he (the *Chancellor of the Exchequer*) should feel no shame in giving way, in order to accommodate himself in that respect to the feelings of Members, and to remove the slightest shadow of ground for disapprobation. Before he sat down, it was necessary that he should ask one question of the hon. Member for Middlesex. “Does the hon. Member, (said the *Chancellor of the Exchequer*) mean to say, that my conduct in reference to this question was not that of a man of honour?”

Mr. Hume: I said, had I been in the situation of the right hon. Baronet, I should not have acted as he has done. According to my idea of a man of honour, he should not take up and support a measure of which, in similar circumstances, he had been the strenuous opponent.

The *Chancellor of the Exchequer*: Does the hon. Member mean to say, that I have acted in a manner inconsistent with the character of a man of honour? He knows the nature of the question—he knows the course I took on the former occasion—that which I have pursued on the present, is of course before him. Does he mean to say, that I have acted in a manner inconsistent with the character of a man of honour? Does he mean to apply the language he has used to me?

Mr. Hume: I have no hesitation in saying that as a political man, I should not have adopted the same conduct as that of the right hon. Baronet.

The *Chancellor of the Exchequer*: I do not want a hypothetical answer, I put a plain question to the hon. Member for Middlesex.

Mr. *Cutlar Fergusson* rose to order. He was sure that no reflection was intended to be cast upon the character of the right hon. Baronet. He could say that for nine years that he had sat in that House, he had seen nothing dishonourable in the conduct of the right hon. Baronet. With regard to the subject before the House, bestowing upon the question under consideration the best attention which, in so short a space of time, it was in his power to bestow, he felt that he should best discharge his duty to his constituents by voting for the Motion of the hon. Member for Middlesex. He professed himself utterly and totally at a loss to comprehend how the House could think of affirming one resolution, and imagining itself free from the binding effect of the other. The first Resolution was completely conclusive of the principle. It would tend to create not merely a rent-charge upon the land, but an appropriation of the issues and profits to the uses of the clergy. For these reasons, then, he felt bound to enter his most solemn protest against any proposition which went to conclude, as he conceived this did, the question of appropriation. He hoped, then, that the right hon. Baronet would not urge them to come to any decision upon the question that night, but that at a future time, and after due notice, the question might be again brought under their consideration.

Mr. *Shiel* observed, that it had been argued on the other side, that the mere affirming of the Resolution would be nothing more than a *pro formâ* proceeding, but he contended, that the Resolution had a binding or stringent effect, or none at all. The hon. Member, therefore, who said, that the House was taken by surprise, did not certainly go beyond the truth. The effect of the Resolution, if agreed to, would pledge the House to fixing on the tenant in fee a rent-charge equivalent to the Tithes. Secondly, its effect would be to create a distinct abatement from the gross tithes of twenty-five per cent. If their object was to obtain assent to a resolution merely with a view of rendering it the basis of a bill, what would be easier than to propose one general motion, declaring, that it is expedient that in future there should be a rent-charge in lieu of of tithes? Would not that form a sufficient basis for any bill which it would be necessary to introduce? The Resolution also went to declare that the proceeds of those Tithes, or composition for tithes,

should be invested in land or otherwise. Would not that be a resolution binding the House to a particular course of action; and ought they not to pause before they committed themselves to anything so specific. Besides, they ought to oppose the principle of proceeding with questions so important otherwise than upon due notice, and of the present measure, it must be admitted, that there was no other notice than that which appeared in *The Times* newspaper of this morning. He wished, before he proceeded further, to inquire of the right hon. and gallant General opposite, whether or not it was intended under the proposed measure, that the clergy, in default of payment of the composition, should sue the owner of the land, or that suits so occasioned should be carried on through the medium of the Commissioners.

Sir *Henry Hardinge* said, that the clergy would apply for the amount of the composition in the first instance, and in default of payment, they would call upon the Ecclesiastical Commissioners to interfere—thus the clergy would no longer be the litigating parties.

Mr. *Sheil* inquired if the clergy were not, in the first instance, to collect the Tithes? He concluded, that it would be so, and upon that ground alone he should oppose the Motion; for he entertained not a shadow of doubt that the proper course would be to settle the question of appropriation, and not present the second Resolution to the House till afterwards. As to affecting that the adoption of the Resolution would be merely *pro formâ*, it was quite idle—the Resolutions, if once agreed to, would afterwards greatly embarrass the House, and he, therefore, entertained them to pause before they came to a vote.

Mr. Secretary *Goulburn* said, he wished to make a few observations, but assured the House, at the same time, that he would not enter upon the general question. Loud and emphatic objections had been urged against his right hon. Friend for bringing forward the present Motion without due notice. Surely, it must be in the recollection of hon. Members, that it was the every day practice of the House to adopt resolutions in Committee as preliminary to the introduction of bills; in fact, it was required by the orders of the House that a proceeding in that form should be adopted. Some hon. Member alleged that they were incompetent to discuss such a

question by reason of want of notice—was it in the nature of things that there could be notice of a resolution preliminary to the introduction of a Bill? The hon. and learned Member for Tipperary had contended that they ought to have confined themselves to a more simple, formal, general resolution—for example, that it was expedient to regulate tithes. Why, what would that hon. and learned Member have said if such a course, as he himself recommended, had been pursued by the Government? He, or some other Member on his side of the House, would immediately have exclaimed, what is the meaning of all this? Why all this mystery and secrecy? Do you ask us to vote in the dark? We will not lend ourselves to this blind legislation. That very mode of proceeding, now so unsparingly condemned, would then be held up as the model according to which Government should have shaped its conduct; but now, when hon. Members had the Resolution before them in due form, and in strict accordance with the practice of the House, they turned round and brought the accusation of there being no sufficient notice, and thereupon founded an unfair charge, which rested on the plea of their having deviated from the practice pursued with respect to other Bills, when, in point of fact, the whole of their conduct was in close accordance with that practice. He could not help observing, that some hon. Members who, generally agreed in opinion with the last speaker, had lauded the Bill brought in during the last Session by the right hon. Gentleman, the Member for Staffordshire, and held up to imitation the manner in which that Bill had been introduced. It happened to be the case with respect to that measure, that the mode of its introduction was precisely the same as that of the present. The right hon. Member for Staffordshire, before the introduction of his Bill, brought down a resolution not, perhaps, extending to the same length as the present, but, practically speaking, the forms observed upon both occasions were alike. That Resolution went to create a rent-charge redeemable, and declared that the produce of the tithe compositions should be invested in land or other securities, and the income thence arising to be applied to the indemnification of the owners of tithes. When that Resolution was brought forward there was nothing in it, according to the hon. Members opposite,

that was not full of virtue and propriety; but to call for anything of the same sort in the present year was, in their opinion, quite monstrous. As to the second Resolution, he might be allowed to say, in reply to the observations of the hon. Member for Middlesex, that the reason it was so readily given up, arose from no other consideration than that some doubts were entertained as to its being necessary at all in point of form. There certainly was an intention to introduce some provision of that sort in the Bill, and though that portion of it was, in some degree, in the shape of a money grant, the consideration of it might, without impropriety, be postponed. He had only to add, that the mode in which the proceeding had been brought forward was a mode adopted in conformity to the ordinary forms of the House; and in calling upon hon. Members to support that Resolution, nothing could be further from his mind, and from the minds of his right hon. Friends, than to induce Members to do anything which could have the effect of pledging them to the principles or the details of any Bill. The promoters of the intended measure had taken the only course they were at liberty to take, and he trusted that, upon examination, every fair and impartial man would say it was a course consistent with their former professions, and with their public characters and duties.

Mr. *Harvey* said, it was most important that hon. Members should understand, that in affirming the present motion,—one or either of the Resolutions,—they committed themselves, beyond all possibility of question, to that which constituted the essential principle of the measure. The right hon. Baronet, the Chancellor of the Exchequer, had assured them that he did not mean to entrap Members into recognizing by the proceedings of that House, or embodying in any resolution whatever objects which, when they came down to that House, had never entered into their contemplation. He believed the right hon. Baronet to be perfectly sincere then, but it was not the interpretation which the King's Minister might then put upon their vote that Members had to consider in disposing of the present question, it was the nature and extent of the construction which, at any time, might be put upon that resolution. To affirm the first Resolution was consenting to the introduction of the Bill, and to some extent that was a

recognition of its principle. If, however, there was a distinct understanding that the Bill might be brought in, without the act of its introduction, in any respect committing the Members who even might tacitly assent to it, he did not apprehend there would be many present who would withhold their votes. But let it not be forgotten that the extinction of tithes, not only in Ireland, but their extinction in England too, was an object most earnestly sought after by many Members of that House; and if they agreed to entertain the present proposition, they could not, perhaps, free their minds from the apprehension, that they were prematurely giving their consent to a principle, the nature and extent of which had not been fairly brought before them. If no more than mere introduction of a Bill were really intended, it might be all very well; but in that incipient state of the measure, they should be on their guard against pledging themselves to any greater extent. In his apprehension, the Resolution would pledge them, if they adopted it, to three several principles,—in the first place, that tithes ought to be compounded for at a rate of twenty-five per cent. below their actual value. It certainly was insomuch better than the former Bill, that whereas that took off forty per cent., the present abated only twenty-five, but he was averse from both, and had not given, nor should he give, his consent to either. He opposed the former Bill, as he did the present Resolution, since, as he considered tithes public property, he would not bribe the landlords to aid in carrying the arrangement into effect. The second principle, if adopted, would have the effect of placing 500,000*l.* at the disposal of the clergy over and above the thousands of acres of land, of which they were already possessed. Was the House ignorant of the danger of the accumulation of such an amount of property in such hands? Did they forget the wisdom, since sanctioned by the result, which dictated the Mortmain Act? Would they despite the warning and example of their ancestors, thoughtlessly increase the pecuniary resources and territorial possessions of the Church? Thirdly, unless the construction of the Resolution were exceedingly overstrained, the rent-charge intended to be created upon the land would be rendered applicable at all times to the same purposes as those to which it was at present applied. He hoped, then,

that the House would not allow itself to be inveigled into the adoption of such a resolution; and he called upon the Committee to ponder well before they determined on recognizing the principle of the Resolution. If they did so, they might have occasion to regret it hereafter when it would be too late.

Mr. Ward: As the sense of the majority of the House seems to be decidedly against the principle involved in the Resolutions before the House with respect to the future appropriation of Church-property in Ireland. I feel strongly inclined to vote for the Motion for adjournment proposed by the hon. Member for Middlesex; but if the right hon. Gentleman will give the House a distinct declaration that all he asks for is permission to submit the details of the Bill to the House without pledging hon. Members to the principle contained in the Resolutions, I do not hesitate to say that I wish to see the measure of his Majesty's Government submitted to the consideration of Parliament.

The *Chancellor of the Exchequer* replied: I have already distinctly stated that I cannot expect that any hon. Gentleman should, by permitting the Resolutions to pass, be deprived of the power of amending in any part, or altering altogether, the Bill which my right hon. and gallant Friend will introduce to the notice of the House. The Resolutions merely embody the views of his Majesty's Government with respect to the measure which it is our intention to submit to the consideration of Parliament. I would beg to remind the House, that a Resolution of an exactly similar nature to that now proposed was submitted to the House at the commencement of the last Session, upon the division on which occasion the hon. Gentleman opposite (Mr. Littleton) was teller. Surely, then, it is equally unfair to debar us from submitting these Resolutions as the ground-work of the measure which it is our intention to bring forward, as it would be to deprive any hon. Member of the power of considering and determining upon the Bill when introduced, simply because he now assented to the passing of those Resolutions.

Mr. Ward considered himself justified, from the explanation of the right hon. Gentleman, in concluding that, by giving his vote for those Resolutions, he should not be precluded from giving the fullest

consideration to the principle involved in the Bill, and he would not, upon the simple statement of the right hon. Gentleman, offer any opposition to the bringing in the Bill. He did not intend on that occasion to go into any details of the question which had been so frequently alluded to in the course of the discussion; but he could not help noticing one or two points to which he thought he was warranted in calling the attention of the House. In the first place, he thought it a subject for congratulation that the Members of a Government which had come into power upon the principle of making no concessions to popular opinion, and upon an expressed determination to maintain inviolate the rights of the Church in both England and Ireland, had that night declared, in their places in that House, that for the purpose of collecting tithes in Ireland the law was powerless, and they were unable by any possible means to maintain the tithe system as it at present existed in Ireland. He might also be permitted to congratulate the House upon the speeches which had been delivered upon his side of the House, and more particularly upon the speech of the noble Lord, the Member for Northumberland (Lord Howick), in which he had expressed his concurrence in the principle that a new appropriation of Church property should take place in Ireland—an avowal which, coming from such a quarter, he considered to be of the highest importance. He would only express his regret that he had been so premature in introducing the subject last year as not then to receive the noble Lord's co-operation in deciding upon that principle which the noble Lord now hesitated not to affirm.

Mr. *Spring Rice* protested against the analogy which had been attempted to be drawn between the proceedings of the last and the present Session, because, in his opinion, the position of affairs at these two periods was essentially different. He would only ask hon. Gentlemen opposite and his own hon. Friends, whether, after the issue of the Commission of last Session, of which so much had been said in that House, and after the announcement of the intention of the late Government not merely to do everything to facilitate the inquiries of that Commission, but also to act on its recommendations. The question of appropriation, to which the resolutions then before the House distinctly referred, did not

rest upon very different grounds from those upon which it was brought forward in the last Session of Parliament. If the right hon. Gentleman and his gallant Friend should now modify the resolutions, he had no objection to their being couched in terms sufficiently distinct to enable them to introduce the Bill, but in language not so defined as to pledge the House to any ulterior measure, and he would not hesitate to answer for his hon. Friends, that the proposition of the right hon. Baronet should not be met by a dissentient voice. They had no wish to throw difficulties in the way of the Government. Hon. Members might express their dissent from his sincere declaration of the wishes of those with whom he had been in the habit of acting; but he could only say, that if the right hon. Gentleman would draw up his resolutions in words sufficiently general to answer his purpose of introducing this Bill, without binding the House to the main question at issue—that of appropriation—he was sure that he (the Chancellor of the Exchequer) would not receive the slightest opposition from those who sat upon that side of the House. The right hon. Baronet had announced that it was his object to have the resolutions assented to, with a view of introducing the proposed Bill to the consideration of the House. That object might be accomplished by adopting the course which he (Mr. Rice) had pointed out, and would leave to those who acted with him, the free and unfettered privilege of dealing afterwards with the whole subject as they might think fit. He was aware that nothing was more usual than proposing resolutions, *pro formâ*, upon the introduction of measures to that House; but he denied the expediency of passing the present resolutions, which, if agreed to, would bar the consideration of the question which of all others, most occupied the public mind. If a question of peace or war were submitted to the Legislature, he should not advise that a Bill for the advance of the money necessary to be expended, in case they came to the resolution of declaring war, should be accompanied by a declaration of the policy upon which this country was determined to act. He thought that the better course, upon such an occasion, would be to vote fifteen millions in a Committee of Supply, and not embarrass that vote by any declaration of political views or opinions. Now, what would be the consequence of assenting to the reso-

lutions then before the House? Would not such a vote—whatever might be the object of the right hon. Baronet in making the proposition—be tantamount to a declaration of opinion on a subject hereafter to be discussed? He would, therefore, take the liberty of suggesting to those hon. Members who had taken a part in the discussion, whether it would not be fair and perfectly consistent, on the part of the right hon. Gentleman—seeing that he had abandoned one of the resolutions, and insisted upon coming to a vote upon the other, only as the means of introducing a Bill at a future time—to move a single resolution “for leave to bring in a Bill to amend the laws with respect to Tithes in Ireland?” He would ask, if the views which the right hon. Baronet had expressed were expressed with an intention merely to induce the House to allow him to submit his proposed measure, and not for the purpose of hooking a majority of hon. Members into an ill-advised declaration of opinion upon a question which they would soon be called upon to decide, upon what earthly grounds they were required to commit themselves to a concurrence in the principles of the resolutions which had been submitted? This was a question to be decided in Committee; and he would for himself say, that if those resolutions were affirmed that night, he should feel it to be his duty to move an amendment, and take the sense of the House upon it, when it resumed on Monday. He repeated, why were they called upon to adhere to the proposition of the right hon. Gentleman? If nobody was considered to be bound by the words of the resolutions, why was the right hon. Gentleman so jealous of having the slightest alteration made in them? Why, if the right hon. Gentleman could obtain all the benefit from having such a resolution as that to which he (Mr. Rice) had alluded, and which might be drawn up in the usual form, so as to enable him to bring in his Bill, was the House to be pledged to what the hon. Baronet seemed to consider the useless surplusage, but what he (Mr. Rice) could not help calling the mischievous surplusage of the present resolutions? Whatever might be the result, upon the discussion of these Resolutions, he would, if nobody else came forward to do so, bring the question again under the consideration of the House when it resumed. Those resolutions would by

that time be printed; hon. Members would have an opportunity of discussing and deliberating upon them; and with reference to the principle involved in them, he would then take upon himself to say, that any measure which was not based upon the principle of appropriation of the surplus revenues of the Church to such purposes as Parliament might determine, would not meet with the approval of the majority of that House; or, if it were carried through that House, it would have no chance of giving satisfaction to the country—of succeeding with the people at this, or of being accepted by the people at the other side of the channel. Much had been said of the analogy between the Bill of this and the measure of last Session; but he could not help observing that there was a very considerable dissimilarity between the opinions and sentiments of some hon. and learned Gentlemen, who took part in the discussions at those two periods. He recollected, for instance, that the hon. and learned Gentleman, the Member for the University of Dublin (Mr. Shaw) had, upon the occasion of the proposal of the grant of a million to the Irish clergy, said it would be an insult to offer it to them. It appeared that it was now an insult to them to be called upon for repayment. Indeed he (Mr. Rice) remembered a joke which he had played off against the hon. and learned Gentleman. When the proposition for the advance of a million to the Irish clergy was under the consideration of the House, the hon. and learned Gentleman appeared with so large a bundle of letters from the Irish clergy, repudiating the idea of accepting the money which was proffered, that he (Mr. Rice) was induced to remark to the Chancellor of the Exchequer that he might calculate upon an increase in the revenue, from the number of letters which passed through the post-office, stating to the hon. and learned Member, the unconquerable reluctance of the clergy to receive a farthing under the Million Act. And when speaking with respect to the grievances under which the Irish clergy then and now laboured, he would not hesitate to assert, however he might be taunted with an indifference to their condition, that no man felt more deeply and sensitively than he did, for the privations which they were compelled to endure, and the sufferings which they had been forced to undergo; but, he must be allowed to express it

as his opinion that he considered those sufferings as trivial, compared with the wretchedness which the tithe system, in its present shape, had inflicted upon the peasantry of Ireland; and that the grant of a million of money was, in his opinion, as dust in the scale, when justice was to be done to the people of that country. The settlement of the Irish Tithe question was not based upon a calculation of pounds, shillings, and pence; it was the adjustment of a question of principle, the satisfactory final decision upon which even his hon. Friend, the Member for Middlesex, who displayed, on all occasions, so laudable a zeal for economy, did not hesitate to promote, by giving his assent to the proposition for the relief of the Irish clergy and people out of the resources of England. He begged pardon for alluding to his hon. Friend; he knew that, on a former occasion, no man was more generous in voting public money when he considered it would promote the pacification of Ireland. His hon. Friend had shewn this disposition unequivocally. For his own part, he would say, that there was no man more ready than he was to consent to sacrifices for the relief of the Irish clergy; but it was one thing to make sacrifices at a previous time, and for the accomplishment of a great good; it was another, to make sacrifices, without a security that the good would be obtained. Last year they held the power in their own hands, which if not counteracted, he would not say by that which, in the modern fashionable phrase, would be termed a faction—but by those in opposition; they could have used it for the successful settlement of this difficult question. He must add, however, that he believed the opposition to which he had alluded, was displayed at the expense of the Church of Ireland. The efforts, however, of the late Government in endeavouring to bring about, at any sacrifice, the satisfactory settlement of the question, were counteracted by a party spirit; it might be a generous party spirit, but it was exercised at the expense of the clergy of the Church of Ireland. If the clergy of Ireland were now suffering—if difficulties were encountered in the settlement of this question, be the responsibility of such a state of things on those who opposed and rejected a measure, uncompleted in its concessions and profuse in its generosity. He took the hon. Gentlemen opposite upon their own showing,

for they admitted that the amount to be taken from the Consolidated Fund, by the Bill of last Session, was 3,000,000*l*. The first reformed Parliament, however, was willing to make any sacrifice to secure the peace and tranquillity of Ireland; but the cup was dashed from their lips, and the blame of not restoring harmony and quiet to the Irish people rested not upon them, but upon the shoulders of others. The question, however, now stood upon different grounds, and he, for one, would not consent to give up any part of the advantage which had been gained by its changed aspect since the last Session of Parliament. He maintained, that whatever might have been their former prodigality, there was now a question altogether different to be considered. He would not now part with one fraction, without being sure and satisfied as to the course of policy to be pursued by the Government. Parliament would now be satisfied with nothing short of an affirmation of a great principle, into the discussion of which they had that night not only been invited, but compelled to enter, by the terms of the resolution before the House, which went to establish the justice and expediency of appropriating all the revenues of the Irish Church to the purposes to which they were now devoted, and to no others. Against such a doctrine, he, for one, protested. And he warned the House against suffering itself to be unwarily committed to its approval. Was he asked, what he would have? He replied, a just settlement of the question. Let him see the principles of Ministers openly avowed and distinctly brought forward—let there be no pattering with principle—let him have one satisfactory and general measure for collecting and appropriating tithes—let them not be called on to pledge themselves in the words of these Resolutions. It was no fault of his that he must use such language; if the Church question were prematurely forced on, it was the fault of the Ministry. They were responsible for the discussions on it, and the effects of these discussions. They invited the House to the contest—they compelled the Members to enter the lists on the general question. The opposition was willing to give the Government an opportunity of introducing their Bill—but let the question of appropriation be reserved; and let the House not be called on indirectly and by a side wind to affirm,

without due notice, a proposition which negated the views entertained by him and his Friends.

Mr. *Shaw*, in explanation, said that it was very true he had opposed the grant of a million to the Irish clergy, because he considered that such a grant would be a bar to all regular payments; but though he did not approve of the principle, he felt obliged to follow a bad precedent, and give his consent to the appropriation of the present residue of the grant to the relief of the clergy. With respect to what the hon. Gentleman had said in reference to some letters which he read to the House from the clergy of Ireland, he begged to inform him that he laboured under a mistake; for those letters he had received during the discussion on the Bill of last Session.

Mr. *Henry Grattan* said, the rejection of the proposal made by the right hon. Member for Cambridge, is a proof of the insincerity of Government. The Resolutions are a fraud upon the nation—they propose to abolish composition for tithes, but under another name, and for the same purposes, they continue the tithes *ad infinitum*. Such a plan will not succeed. The fraud is not upon Ireland alone, it is a fraud upon England also, for it taxes this nation to the amount of a million, which the former Parliament had promised should be repaid. Ireland will not be satisfied—the Catholic will not be satisfied—the landlord cannot be satisfied; he is called on to pay the debts of another person; and if not repaid by his tenant, it is to him a clear loss. Why should he be called on thus to pay; and why should he be called to pay the money without a new appropriation? You offer him a bribe of twenty-five per cent.—he does not want any bribe—he wants a fair distribution and a just appropriation, and he is willing, on these conditions, to pay, and would pay, the whole without deduction: he does not wish to rob the present incumbent, and he does not want a bribe to make him rob the people. Bribery has been your system too long in Ireland—for ages you governed by bribery; and how do you stand now? You formerly bribed the Protestants of Ireland, by allowing them to tread upon the Catholics, and now you seek to bribe the landlords, by the offer of twenty-five per cent, to enable you to continue the very grievance

of which the people complain. Your duty and your course is to alter the system altogether, and introduce a new and vivifying principle. Let all the present incumbents be paid the full amount, and on their demise reduce the establishment, and pay then only those who perform public duties; in fact this is the entire question, whether 5,000,000*l.* or 6,000,000*l.* shall pay for the support of the clergy of about 800,000, and pay a sum so enormous as to amount in value to near one-seventh of the landed property of the whole island; for, if all the property of the Church, as stated in the Returns on the Table, in the various Reports, and according to the evidence of the witnesses before the Committees, and among others, the evidence of an individual long conversant with Ireland, it would amount in value to near one million and a-half per annum. Such a system ought not to last—such a system cannot last—such a system you would not dare to impose on England. The right hon. Baronet opposite, the Member for East Kent, knows that his countrymen would not submit to such a monstrous injustice; but you do to Ireland what you dare not do to England, and I but tell the truth when I look fearlessly in your face and tell you so. I further add that my countrymen have too much spirit to submit to such mis-government. Ireland will not be satisfied—she ought not to be satisfied—and I hope she will not remain quiet until those just grievances are redressed. Let her remember the words of that late ornament of her Church—let her not forget the words of Dr. Doyle—“their hatred of tithes should be as lasting as their love of justice.” There is another point which cannot be passed over. If we agree to these Resolutions, we admit so far their principle—if not, it is idle to submit them to the House. What, then, is one of the propositions? That the rent-charge may be redeemed, and the purchase-money invested in land—that is, that we are to give more land to the clergy, and make them farmers as well as parsons. This proposition we objected to in the last Parliament; and in proof of this, here is the Report of the noble Lord (the Member for North Lancashire), in which one of the propositions, three years ago was, to give the clergy land, which proposition the late Government would not take up, and

no Bill was brought in to carry it into effect. I object to this proposition in the outset. But another great evil is, that these propositions settle the point as to the valuation. Now, it cannot be denied that the compositions raised the incomes of the clergy. I know that the tithe was greatly raised—that tithe was paid for land that never paid it before, and that 5s. an acre was laid on, and proceedings taken to recover that amount. By these Resolutions we are precluded from opening these excessive and unjust compositions. Another objection is, that the rights of the poor are extinguished. I always have, and ever shall, contend for the irresistible, the indefeasible, and the ancient claim of the poor to a portion of the tithes. In the earliest times it was distributed amongst them, and it was cut off at the Reformation. Now is the period to restore it. Therefore, I beg to put in their just and paramount right to a portion of this public property. I am aware that the advice that is given will be disregarded; but I would implore of the gallant Secretary for Ireland, who has given a lamentable picture of that country, to consider the matter well. The Resolutions submitted will not satisfy the country. I have prepared some, which it was my intention to have moved, by way of Amendment to the present. I am sure they will be approved of in Ireland. I shall read them to the House; and I contend that, without some similar propositions the great body of the people of Ireland will not be satisfied:—

“Resolved!—That the peace of Ireland and the cause of humanity require that the system of tithes in that country should be abolished.

“That the rights of persons having vested interest should be provided for.

“That a tax founded on a fair composition should be imposed upon Ireland for the said purpose, and the amount thereof paid into the Exchequer, to be disposed of for such religious and charitable purposes, and in such proportions as Parliament may think proper.”

Last Session I made a proposition somewhat similar, but I made it in vain:—the advice of those who may be supposed to know the feelings of the people of Ireland, and to know at least their interests will be, as it has been, steadily disregarded—it was so, whether the late Mr. Ponsonby or the late Mr. Grattan advised—they were not listened to—so it is now, whether the hon. Member for Dublin, or any other Irish Member submits what he knows is

suited for the Irish people, all are alike disregarded—the result has been, that Ministers in the end are forced to yield to violence, that which they denied to justice. They have by this course, embarrassed themselves and endangered the country; however, they will persevere, and they will continue to govern Ireland against the wishes of the great majority of her inhabitants; but such a system is replete with danger as well as difficulty; and though Gentlemen opposite so implicitly follow, and so loudly cheer the right hon. Baronet the Chancellor of the Exchequer, let them remember, that it is owing to his misgovernment of that country, that most of this difficulty and danger has arisen—their present measures will neither give content to Ireland nor security to Great Britain. Ministers think they will secure both—in my opinion they are mistaken:—they think they will obtain public confidence—they will find themselves deceived. They hope to regain their character and to restore tranquillity—I think they may not recover the one, and I fear they will greatly endanger the other.

Lord *Stanley* said, that knowing, as he had ample opportunities of knowing, the extreme difficulties of this case, and knowing the necessity of meeting it with great calmness, he was delighted to find as he was about leaving the House not long ago that the House was about to affirm so much of the Resolution, and so much only, as, without pledging the House one way or the other, would enable the Government to bring forward the Measure which his right hon. and gallant Friend (Sir H. Hardinge) had opened and explained. It was, therefore, with satisfaction that he had heard the right hon. Baronet (the Chancellor of the Exchequer), consent to withdraw so much of the Resolution as had been introduced late in that day, and which, though it was a matter of form, might appear to take the House by surprise in requiring their assent to a proposition for which they were not prepared. After that concession had been made to reason and to justice in consequence of the arguments that had been used—after the declaration by the right hon. Baronet that no man would be bound by an assent to the Resolution to more than an assent to bringing in a Bill for certain purposes, he had hoped that the matter would end. The provisions of that Bill would, no

doubt, be matter of serious importance, and, he would admit, that if the House were to be considered bound to carry into effect the whole of the Resolutions, in all of which, for his own part (for he would candidly avow his opinions), he agreed, by assenting to the introduction of the Bill, they would be justified in pausing before they supported the Motion; but nothing of the kind was required here. The Bill, or the Resolution on which it was to be founded, was for a commutation of the tithe composition to a rent-charge reduced by twenty-five per cent. This was an important difference; though he did not mean at present to go into the difference between the intended Bill and that of last year, but, he might observe, in passing, that there was this difference, that the composition was now to be commuted for a rent-charge immediately redeemable, and he was glad also that it was redeemable by land or such securities of land as would enable the landowner to redeem it without any great sacrifice to either party. He was further glad to find that the sum so redeemed was to be applied to the use of those who were entitled to the tithe. To that, in the abstract, he was prepared to accede, but he felt, and forcibly felt, that the present was not the proper and convenient time for the discussion of that subject. It was not a question to be met by a side wind. It was one which ought to be brought forward and discussed as a substantive motion. He thought they should hear what was the mode proposed by those who wished for a different appropriation of Church property; they should state, first, what they would appropriate, why they would appropriate, and how they would appropriate, this property; and then, when they had done so, and after they came to a division and decision on that question, they would—the House at least would, if the matter were now to be brought to an issue—he left as much in the dark as before. Why, he would ask, did some hon. Members object to the words of the Motion as tending to prejudge the question involved in it? The Chancellor of the Exchequer had told them that this would not tie them down to anything beyond the introduction of the bill. Let them understand what it was for which they were about to fight, for when they did fight they ought to fight in earnest. But suppose hon. Members should vote

against the words objected to in the Resolution, would the question be then decided? No, and for what reason? Because the subject would afterwards be brought forward in another shape. On the one hand Ministers affirmed the words; but suppose they were to carry it by a majority, what then? Would the Minister carry the principle which some Members thought involved in those words? No; for those who might vote for him would at once say, "We voted only to enable you to introduce your measures, but we do not feel ourselves bound to support any of the provisions of the Bill which you may introduce." This was the common sense way of putting the question. If a division should be called on this question, and if the Ministers of the Crown should continue to say, that they considered the adoption of the words of the latter part of the Resolution necessary for the developement of their measure in the Bill, he would vote with them; but in that vote he would rest on their declaration that they considered those words necessary for the introduction of the Bill; and he would also rest on his own declared intention before the commencement of the Session, not to throw any obstacle in the way of Government in laying their measures before the House. He would own—and here, perhaps, he might be said to be speaking at one side as well as the other—that he was sorry the words objected to had been introduced, because they would lead to a doubt as to a question of principle which ought not, and was not, intended to be raised at all. Therefore, if His Majesty's Ministers decided on retaining those words, he would say, that while he assented to the four propositions contained in the Resolutions, he assented also to the declaration of the Chancellor of the Exchequer, that those words would not bind the House to more than an assent to the introduction of the Bill. On these grounds he would vote with the right hon. Gentleman, for he (Lord Stanley) was sure that the Government meant to take no unfair advantage of the vote. Such a course would be bad taste, bad judgment, and bad feeling, of which he could not suspect any Member of the Government would be guilty.—Therefore, while on the one hand he contended that no man who voted for those Resolutions was thereby bound to support more than the introduction of the Bill, he

would, on the other, say that if the Chancellor of the Exchequer considered them necessary, he would vote for them, and against the Motion for reporting progress, which would prevent any decision whatever upon the question. Wishing, therefore, to bring the question said to be involved in those words, to a final and fair discussion at the proper time, he would vote against the mock division, which would not go to the question at all, and would prefer the introduction of the Bill, which would be canvassed in all its details, and in all its stages.

Mr. *Poulett Thomson* agreed with his noble Friend who last addressed the House in much of what he had said, but he differed from him in the principle which he considered involved in those Resolutions. He did think that there was something in the present Resolution, the assent to which would compromise a principle. He did not see why a simple Motion for leave to bring in a Bill founded on a part of the Resolution in the hands of the Chair should not be sufficient. This would have been a sufficient ground on which to found the whole question, without having recourse to a measure which would have the appearance to the country of having been founded on the adoption of the latter part of the Motion in the hands of the Chair. He thought that the object of the right hon. and gallant Member would be equally well answered if he were to withdraw his Motion and substitute one to bring in a Bill for the purpose of settling tithes in Ireland. Such a Motion might be disposed of without going into other matters. He would call on the right hon. Baronet to say why he would not adopt this course, and whether any valid objection existed to confining himself to a Resolution on which a Bill might be founded. This would relieve hon. Members at the Opposition side of the House from the difficulty under which they now laboured. He hoped, if this course were not adopted, that the House would not allow itself to be entrapped into a declaration on a subject to which the majority of its members might be opposed. The principle of the Resolution before the House involves the state of Ireland, and its peace and tranquillity, and whether a sinecure church should be imposed on the people who did not use it, or whether they should consult

the peace and happiness of Ireland by removing a grievance of which they all complained. He would again say, that unless the right hon. Gentleman relieved them (the Opposition) from the difficulty of seeming to adopt a proposition to which they did not assent, they must oppose the Resolution, although they felt that Resolution did not bind them. That Resolution, he would add, did not bind them until it became the Resolution of the House by its adoption on the report, and on this ground he should hope that his hon. Friend would not press it till then, when he would have an opportunity of taking the sense of the House upon it.

The *Chancellor of the Exchequer* said, that if he felt that the course which he had proposed to pursue was inconsistent with the practice of the House, or with common sense, not all the taunts with which he had been met on former occasions, would prevent him from altering it; but, feeling, as he did, that the course which he had adopted was consistent with justice and with the usage of Parliament, he cared not for the consequences, and would persevere in that course. All he would ask was, the indulgence of the House in that stage of the debate, while he stated the grounds on which he determined to pursue that course. He had always understood, that, in matters relating to religion, it was necessary that any measure should be first introduced in a Committee of the whole House, and not in the shape of a Bill. In the Journals, amongst the rules by which the House was bound, he found this:—"That no Bill relating to religion, or to the altering of any matter relating to religion, shall be introduced into the House until it shall, in the first instance, have been introduced in the shape of a Resolution to a Committee of the whole House." Now, his right hon. Friend (Sir H. Hardinge) had acted in strict conformity with that rule, and well he knew that if they (the Government) had deviated from that rule—if they had avoided the details of their plan, and come forward in the more short way of a Bill, well did he know that they would have been told of their deviation from the usual practice of the House, and told by none more loudly than by the right hon. Gentleman (Mr. S. Rice) opposite. They would have been asked, "Why don't you go, in the first instance, to a Com-

mittee of the whole House? Why don't you adhere to the usual form of giving the details of your intended measure in a Committee of the whole House, and of embodying your principle in a Resolution on which you may afterwards found your Bill?" And if (continued the right hon. Baronet) we should say we were afraid of introducing a Resolution, the adoption of which might seem to pledge the House to some subsequent measure, the right hon. Gentleman (Mr. S. Rice) would at once hold up this volume (one of the Journals) and say, "See how different the case was under the Administration of Lord Grey. The Government, then, did not content themselves with introducing a Bill for an important measure in the first instance. They went to a Committee of the whole House, and having detailed the nature of the measure which was ultimately intended to be brought before the House, they moved a Resolution on which to found that Bill, and that Resolution was to this effect:—"Resolved, that it is the opinion of this House, that composition for tithes in Ireland be abolished on or after the 1st day of November, in the present year, in consideration of an annual Land-tax to be granted to his Majesty, payable by the persons who would have been liable to such composition for tithes, and of equal amount. That such Land-tax shall be redeemable, and that out of the produce provision be made, in land or money, for the indemnification of the persons entitled to such composition." The right hon. Gentleman would have gone on, and told us how such a proposition was received in the House—that it was carried by an overwhelming majority, and that Mr. Spring Rice was one of the Tellers for the "ayes" in that majority. But what said the right hon. Gentleman opposite (Mr. P. Thomson) as to a Resolution of this kind? "Why," said he, "with my opinions of the Church in Ireland, with my convictions as to the appropriation of Church property, I cannot consent to such a preliminary Resolution as you have proposed, because I cannot consent to have my hands tied up." Might he (Sir R. Peel) ask the right hon. Gentleman when his views as to the Church were taken up? Surely it could not have been since the last Session. His opinion must have been of some years' standing, when he must have anticipated that the time

would come when appropriation would be considered in some shape. It must have been some time before last year. How, then, did the right hon. Gentleman assent to the Resolution brought by his friends in the last Session? But if the right hon. Gentleman did not then think that things would be so altered, and could, with a safe conscience, have given assent to such a proposition as he had read, to deal with the Church property, how did it happen that any conscientious scruple prevented him from giving a vote much more limited in its extent on the present occasion? If he felt no scruples on that occasion, why should he feel any on the present? "Oh, but," said the right hon. Gentleman, "you had a money vote on this occasion, but you withdrew it." Well, his answer was, "You had no money vote last year, and, according to your own showing, no necessity for a Committee of the whole House, and yet you voted and adopted the proposed Resolution. The objection applies with equal force to the Committee of last year and to that of the present." It had been suggested from a quarter for which he had the highest respect, that one part of the Resolution which spoke of the investment of the rent-charge, or the produce of the rent-charge in land, or otherwise, might have well been omitted. He was sorry that his sense of duty did not admit of his adopting that suggestion; but the use of those words was meant only to detail to the House what were the views and intentions of Government. If they (the Government) had withdrawn that part, that the produce of the rent-charge was to be so invested, then they would have been open to the charge of having acted unfairly. He could have withdrawn it only as implying a pledge on that point; but would not the implication be fair that those parts which remained of the Resolution were meant to be binding? Supposing the part objected to were withdrawn, they would have still left those words, "that composition of tithe be abolished, and that a rent-charge be substituted;" well, then, the Committee, by affirming those words, would affirm—first, that the composition of tithes should be abolished—next, that in lieu of it there should be a rent-charge—next, that this rent-charge should be paid by the landowner—then, that it should be paid at the rate of 75*l.* for every

100*l.* of composition—and next, that it should be redeemable. Now, did any man believe, that he was bound to all these propositions by his assent to the Resolutions of his right hon. and gallant Friend? The House, however, by adopting these Resolutions, would not want the future opportunity of altering the scale of redemption from seventy to eighty per cent, or to any immediate scale which, in its judgment, the House might think fit to adopt. These words had been inserted in order that the whole proposition of his Majesty's Government might be fully before the House; if any of these terms had been omitted, it might have been said, that the Resolutions were contrary to the manifest intentions of the House in respect to the remainder, and, therefore, would imply some pledge on the part of the House. On the whole, he must adhere to the Resolutions, as they now stood indicative of the intentions and views of his Majesty's Government. So far from binding the House to the measure to be introduced, he must state this fact: that a Bill, referring to this same subject of tithes in Ireland, was introduced by the right hon. Gentleman, the Member for Staffordshire (Mr. Littleton)—a Bill subsequently altered by himself—a Bill which differed from that submitted to the House by the noble Lord, the Member for North Lancashire—a Bill which had been subsequently altered by the hon. and learned Member for Dublin—altered from the principle of the Resolutions on which they were founded; and yet, so little did the then House of Commons feel itself bound by its acquiescence in those Resolutions, that the very same House, which agreed to them in their original form, completely altered their tenor and effect, and assented, by a majority, to the change. Now, he would ask, with these facts before the House, whether or not, if he pursued a different course on the present occasion, he should stand in a very different position from that which he now held, supported, as he was, by precedents—precedents, as he would show, of no slight authority. If he had no other appeal to make, he would appeal to the authority evinced by the fact, that, as soon as his right hon. Friend had sat down, the noble Lord opposite, who acted as the leader of the party opposed to his Majesty's Government, expressed an opinion entirely in

concurrence with the view of the subject held by his (Sir R. Peel's) right hon. Friend, the Secretary for Ireland; and, so far was he from feeling himself bound by the Resolutions now proposed, so little did he consider the obligation that they were binding, that the noble Lord, the leader of the party to which he had alluded, did not hesitate to say, that he would not for a moment present the smallest obstacle to the introduction of the Bill which was intended as the result of the present Resolutions. Moreover, his right hon. Friend, the late Secretary for Ireland, so entirely concurred in the terms of the Resolution, as to declare, that he should vote for the Resolutions, under the protest that he was not to be bound by them. In this protestation he believed that many other hon. Members would concur with the noble Lord and the right hon. Gentleman, and would feel that they were not bound by the Resolutions, but would give their assent to them, combining, as they did, all the good sense, the precedents, and the practice, of former Governments. With these authorities in his favour, he felt he should take a course inconsistent with the practice and precedents to which he had alluded, inconsistent with his duty as a Member of the House and as a Minister of the Crown, if he consented to any modification of the proposed Resolutions.

Mr. Poulett Thomson begged to say that he was justified in rising, in consequence of the attack which the right hon. Baronet had made on his consistency. The right hon. Baronet had asked how any hon. Member could find any objection to the present Resolutions, if he had voted in favour of that upon which the measures of the late Government had been founded, and which was the same in substance with the present. He had voted for the former Resolution, which he was happy to hear now was the same in substance and spirit with the present, though the first had been by the right hon. Baronet's party opposed before in the Commons House of Parliament. He could not be justly charged upon the present occasion, because in the last Resolution, upon which alone he had voted, the question of appropriation was not raised by the Government. Where, he would ask, did the inconsistency rest; when there was now in power an Administration which a few nights ago by their head had declared itself to be averse to

the appropriation of the revenues of the church to anything but Ecclesiastical purposes?

The *Chancellor of the Exchequer* said, that in answer to the observations of the right hon. Gentleman, he could only say that unfortunately an amendment was proposed to the Resolution, to which he by his vote had assented, the concluding expression of which was—[*Mr. P. Thomson*: the question of appropriation was not raised.] Was it not? The counter-resolution which was then moved and carried, was to the effect, that after affording protection to existing interests, a competent provision should be made for the support of the Protestant clergy, proportionate to the amount of the Protestant population of Ireland, and that the surplus revenue should be applied to such purposes as Parliament should direct.

Mr. Spring Rice said, that practically speaking, there was no difference of opinion between the two sides of the House. The right hon. Secretary for Ireland wished to introduce his Bill. He (*Mr. Rice*) and the Gentlemen about him wished that he should have leave to introduce it, and did not desire to fetter his discretion at all in doing so. He (*Mr. Rice*) was taunted by the right hon. Gentleman for the circumstance of his having been Teller on a division upon a question, as he said, analogous to the present; but as he (*Mr. Rice*) said, different from it in many respects. But if the right hon. Gentleman gave him a precedent, he would allow him (*Mr. Rice*) to give him one in return. The right hon. Gentleman had appealed to the authority of the late Government in supporting the Bill which had been introduced. Into the history of that Bill it was not his object to enter. But he would observe that his right hon. Friend the Secretary of State for the Home Department was the originator of a great improvement in the tithe law system in Ireland, and which, if it had been carried into effect at the time he proposed it, might have been the means of preventing much of the evils which had since occurred. His right hon. Friend had introduced two Bills, one for the composition of tithes, and the other for the commutation of tithes, which went the full length in principle of the propositions now before the House. But what was the Parliamentary doctrine of his right hon. colleague who sat beside him? He said that this was a question

of religion, and he produced the standing orders of the House to prove that it was necessary to take the course he did. Now he (*Mr. Rice*) might controvert the proposition on another ground, and deny that tithes in Ireland and religion had so close an affinity. But as this was a question of precedent and Parliamentary doctrine, to them he would appeal. What course had the right hon. Gentleman then pursued? He certainly was not indifferent to the great interests which were involved in the question; but did the right hon. Gentleman come forward in the Grand Committee of Religion, and move a series of resolutions?—No; he simply moved for leave to bring in a Bill for the composition of tithes, and a Bill for the commutation of tithes in Ireland. Whence did the present scruples arise? Was it that the Gentlemen opposite were so much attached to Whig authority? He saw them adopt Whig measures, and he rejoiced at the measures, whether they were brought forward by those who differed from him or those who agreed with him. He said, "Prosper the good cause of liberal and religious feeling." He did not ask Gentlemen to abandon any one opinion which they might entertain, or which they might be supposed to entertain. All he said was, as his noble Friend the Member for Lancashire said, let the question be reserved for a fitting discussion on a fitting occasion, and let not the House be committed upon things while Gentlemen told them they were only discussing forms. Could it be believed that there was not some object or other contemplated? If it were a practical object—if it were to tranquillize Ireland—let it be conceded, and let his right hon. and gallant Friend bring in his Bill. He saw great difficulties in throwing obstacles in the way of the measure. He wished sincerely to have the Bill in his hand. The motion of his hon. Friend would not raise the question which ought to be raised. He, therefore, entreated his hon. Friend to have the kindness to withdraw his Amendment and allow him to substitute an Amendment containing these words—"that it is expedient to alter and amend the laws respecting tithes in Ireland." If the right hon. Gentleman would show him that under this Amendment he could not introduce his Bill, he had not a word to say, but if under it he had full power to do what he asked, he said that, for the sake

of the spirit in which it might hereafter be discussed, and with a view to the final success of the measure, it would be better simply to move for leave at once to bring in a Bill.

Mr. *Hume* said, he had no objection to withdraw his Amendment, especially after what had occurred, and he therefore bowed to the suggestion of the right hon. Member for Cambridge.

The *Chancellor of the Exchequer* observed, that he believed no hon. Member could, by the rules of the House, withdraw an Amendment without its permission. He, however, should not, by raising a mere matter of form, stand in the way of any expression of feeling upon the subject which the House might think advisable or convenient to itself.

The Committee divided on Mr. Rice's Amendment:—Ayes 198; Noes 213—Majority 15.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Angerstein, J.
Barnard, E. G.
Berkeley, Captain
Belfast, Lord
Brotherton, J.
Bellew, Sir P.
Bellew, R. M.
Bagshaw, John
Baines, E.
Brady, D. C.
Bodkin, John James
Bowring, Dr.
Blake, M. J.
Buller, C.
Benett, J.
Barron, H. W.
Bainbridge, E.
Butler, Hon. Colonel
Bridgeman, H.
Biddulph, R.
Brocklehurst, J.
Bowes, J.
Brodie, W. B.
Blamire, W.
Bulwer, H. L.
Bannerman, A.
Baring, F.
Barham, J.
Berkeley, Hn. G. C.
Burdon, W. W.
Barry, G. S.
Brabazon, Sir W.
Beauvoir, Sir J. D.
Beauchlerk, Major
Buckingham, J. S.
Chapman, M. L.
Crawford, J.
Crawford, W. S.
Cave, O.
Clive, E. B.
Chichester, J. B.
Copeland, Ald.
Crawley, S.
Clay, W.
Chalmers, P.
Campbell, Sir J.
Collier, John
Clements, Lord
Cavendish, Hon. G.H.
Codrington, Sir E.
Dalmeny, Lord
Dundas, Hon. T.
Dykes, F. L. B.
Dundas, Hon. J. C.
Dennistoun, Alex.
Dillwyn, L. W.
Dobbin, L.
Dunlop, C.
Ellice, E.
Elphinstone, Howard
Evans, Colonel
Ewart, W.
Ebrington, Lord
Evans, G.
Fazakerley, J. N.
Fergus, John
Finn, W. F.
Fergusson, C.
Ferguson, Sir R.
Fielden, J.
Fitzgibbon, Hon. R.II.
Fitzsimon, N.
Fitzsimon, C.
Fort, J.
Grant, Rt. Hon. C.
Grey, Sir G. Bt.

Gisborne, T.
Gully, J.
Grattan, H.
Grattan, J.
Gaskell, D.
Gillon, W. D.
Grote, G.
Heron, Sir R.
Hawes, B.
Hawkins, J. H.
Handley, Henry
Hume, Joseph
Hindley, C.
Hodges, T. L.
Harvey, D. W.
Hay, Colonel L.
Hector, C. J.
Howard, Hn. E. G. G.
Howard, R.
Heathcote, R. G.
Hodges, T. L.
Hutt, W.
Howard, P. H.
Hoskins, K.
Holland, Edward
Hall, B.
Humphery, J.
Kerry, Earl of
Labouchere, H.
Leader, M. J. Temple
Lemon, Sir C.
Lushington, C.
Lennard, T. B.
Lushington, Dr.
Lefevre, C. S.
Lambton, H.
Littleton, Rt. Hn. E.J.
Lynch, A.
Murray, J.
Martin, T. B.
Maule, C. Fox
Marjoribanks, S.
McCance, J.
Morpeth, Viscount
Mullins, F. W.
Maher, J.
Musgrave, Sir R. T.
Mackenzie, A. J. S.
McCleod, R.
McTaggart, J.
Molesworth, Sir W.
Nagle, Sir R.
O'Brian, C.
O'Brien, W.
O'Connor, F.
O'Connell, D.
O'Connell, M.
O'Connell, M. J.
O'Connell, M.
O'Connell, J.
O'Connor, Don.
O'Dwyer, A. C.
O'Ferrall, M.
O'Loughlen, Serjeant
Ord, W. H.
Oswald, J.
Oswald, R. A.
Parrott, J.
Pattison, J.
Power, P.
Palmer, C.
Power, J.
Perrin, L.
Pendarves, W. W.
Parker, J.
Phillips, M.
Ruthven, E. S.
Rice, Rt. Hon. T. S.
Russell, Lord
Rundle, John
Ruthven, E.
Rolfé, R. M.
Roche, W.
Seymour, Lord
Seale, J. H.
Stewart, Lord Dudley
Stanley, E. J.
Sharpe, General
Speirs, A. G.
Stewart, R.
Scrope, P.
Stanley, Hon. H. T.
Scholefield, J.
Sullivan, R.
Sheil, R. L.
Tulk, C. A.
Thomson, Rt. Hn. C.P.
Troubridge, Sir T.
Trelawney, Sir W.
Talbot, J. H.
Thornley, T.
Tancred, H. W.
Tooke, W.
Villiers, C. P.
Wilbraham, Geo.
Wakley, T.
Wrottesley, Sir J.
Williams, Sir J.
Wyse, T.
Ward, H. G.
Wallace, R.
White, G.
Walker, R.
Williams, W.
Warburton, H.
Walker, C. A.
Westenra, Hon. H. R.
Westenra, Hon. J. C.
Williamson, Sir H.
Williams, W. A.
Wemyss, Captain
Wrightson, W. B.

The original Resolution agreed to.
House resumed.—Resolution to be reported.

HOUSE OF LORDS,
Monday, March 23, 1835.

MINUTES.] Petitions presented. By Lord WHARNCLIFFE, for the Repeal of the Factories' Regulation Act.—By the Duke of RICHMOND, the Earls of SHAFTESBURY and ROSEBURY, and Lord WHARNCLIFFE, from several Places, —for Protection to the Church of Scotland.

NEWSPAPER STAMP—CHEAP LITERATURE.] Lord Brougham was, he said, going to present a Petition; and from the manner in which a former petition he had presented was commented upon, he wished to state that he considered that petitions containing statements against individuals should be opened by the Clerk of the House, and not by a Member of it. The petition to which he now referred, and which he was about to present, undoubtedly contained no charges against any individual; it did not refer to any individual whatever—it stated no charges, it only contained facts, it maintained opinions in which he entirely concurred—opinions of which he took the responsibility; and therefore he had no objection to return to the former practice, and open the matter contained in that petition. The petition was signed by a great number of gentlemen of the first intelligence, wealth, and respectability in London—it was signed, amongst others, by Mr. Smith, Dr. Bowring, his hon. Friend, Mr. Grote, the banker, and one of the Representatives for London, and by many other eminent and distinguished men in the City. The petition called the attention of their Lordships to the Stamp Duty at present imposed upon newspapers of all descriptions. All papers were not equally stamped. It was a great mistake to complain that a Stamp-duty was equally imposed upon all papers. The law was bad enough, as it was, but it was not liable to that imputation; for a plain distinction was made between papers periodically published, such as came out at unequal periods of time, or which even assumed the form and shape of newspapers, and yet gave no news of passing occurrences, and their matter was made up for the entertainment of youth, a great distinction he said, was made between those and what was called a "Newspaper," periodically published daily, or with a certain interval of days; that was subject to stamp duty; upon the others no duty was enforced, and they were subject to no stamp. The stamp operated upon the paper published daily, weekly, or two or three times in the same

week. The duty was very large in amount; next to salt, he considered it the largest, in proportion to the value of the matter upon which it was imposed. The newspapers were sold nominally for 3*d*; that is, they were so sold to the consumer, to the person who bought by retail; but they were sold by "the grower" by the maker of the newspaper, by the writer or printer of the newspaper, for not more than 2*d*. The consequence was that 2*d*. was the prime cost of the article. On that 2*d*. there was not a less tax than 4*d*. from which there was a little drawback, and against which drawback there was a set-off. The inconvenience consequent upon the stamp was this, that after the person holding the commodity upon which the stamp is imposed has paid the duty, the only chance he has of being repaid what he has advanced, is the disposal of the commodity; and if that does not occur, he is entirely the loser. This was a great set off against the drawback allowed, and he was, he thought, quite justified in saying that 200 per cent were imposed upon the article, 4*d*. being the price of that article. The consequence was that a very great tax was imposed upon an article which was of the greatest utility to the public—that heavy tax was imposed though there was a great and a natural desire—a desire which no person had a right to disrespect, for it was no idle love of gossip which actuated men to know what their Representatives in Parliament were doing, what occurred in that branch of the Legislature, and the Courts of Law, and also to be acquainted with all public events. The question was one of such weight that he found that eminent man and great philosopher Paley lay this down, that "the most agreeable, and one of the most useful ways in which a man could spend his money was in purchasing articles of that description;" that it was his opinion "that no man's time or money could be laid out to more advantage or interest;" that he "did not know any enjoyment which he would not sooner give up," and that "it was harmless and innocent in its nature." Nevertheless, a great impediment had been thrown in the way of the consumption of such an article, and to prevent the enjoyment and gratification it afforded, because 7*d*. a-day was such a sum that a poor man, and even one in easy circumstances, could not undergo the expense of it; both were unjustly

deprived of the benefit of it; and the consequence was, such indulgence, such enjoyment, and such instruction, were confined to a very narrow class of the community. That was the first consequence of the heavy tax imposed upon newspapers, and the best proofs he could give of that was to state that the whole number of newspapers including all descriptions, published in one year, was only 30,000,000. Those published in the counties and the towns, and in short newspapers of all kinds were included in that amount. Little more than 30,000,000 which was the number of newspapers, was not the one-twenty-fifth part in proportion of the number of newspapers sold in America, where the people were similar in habits—where there was a free people, and consequently a people fond of seeing what their Representatives were doing, and what the Government was doing, and who had in these respects the same habits as the people here. That comparison illustrated the fact, that the proportion of newspapers published here was 1-25th or 1-30th of the newspapers published in America in proportion to the population, and the newspapers in America were subject to no stamp duty. Taking a view nearer home—looking to the Channel islands, such as Guernsey and Jersey, the papers sold there were between sixteen and twenty per cent more in proportion to the population than in this country. This was a satisfactory proof of the heavy burthen of the tax, and how much it impeded the consumption of the article. The only other proof he would give was by referring to France. The papers there paid a stamp duty, but it was a very small a very light stamp duty. In France, between the years 1815 and 1830—between the Restoration and the Revolution of July, 1830—the increase was in proportion from 27,000 or 28,000 to 57,000 or 58,000; consequently the number of newspapers proportionably sold in France was more than doubled. That was the proportion of France for fifteen years, where the habits of the people were not like those of this country, and where under the empire of the old Government they were averse from that species of reading. Not only was there a very great loss of enjoyment by the tax thus imposed, but those who viewed the matter rightly would find that there would be, by opening the trade—by freeing it from restrictions—not only

an enjoyment and indulgence, but also a great advantage conferred upon the people of this country. It would be for the advantage of the Government and of the country, and for the securing a peaceable, a good, and an intelligent constituency. That was his deliberate opinion. He would say, that nothing could be more beneficial to the Government of the country,—nothing could be better for those who entertained peaceable, good, lawful, and constitutional views of public proceedings, than to have them constantly placed before the great body of the people. Nothing could be better for the country, Nothing could be better for the Government,—nothing could be of a more conservative nature (he used the word in its good, not in its offensive sense),—nothing he would say, could be more effectually conservative, than the circulating through all classes of the people a perfect knowledge of what was doing, as well as of what was done, by the Government and the Legislature. They ought to see, from day to day, what was done in both Houses of Parliament; they ought to be acquainted with whatever was said by their Representatives, or whatever was uttered in their Lordships' House. All this they ought to see constantly, and cheaply, and easily. This would be found to be one of the best means that could be devised for carrying the people along with the Government. That was the proper mode of carrying the intelligence and knowledge of the people along with the Government of the country. It was, besides, he would contend, the duty, and one of the highest and most imperative duties of the Government, to acquaint the people with the nature of the laws that were made for their government. He must say, and in doing so he meant not to make any invidious observation, that when the Legislature passed 280 Acts of Parliament in a year,—when they proceeded, not by score, but by wholesale,—when they altered laws of some hundred years standing—when they applied themselves to the criminal code of the country, making that punishable which was before not punishable, making that no longer a capital offence which was before capital,—when they descended from those high and important subjects down to the most minute details of trifling dealing,—when they legislated on the shape of a pan—when they almost enacted that the two sides of a parallelogram should be equal,

—when they denounced 5*l.* penalties on points such as these, he had a right to say when the Government authorized and the Legislature passed such Acts as these, that some little pains should be taken to make the public acquainted with these penal measures. With respect to proceedings in Courts of Law, the people were anxious for a knowledge of them. A man should have the power of knowing what was lawful; that what was yesterday illegal might this day be permitted. All he asked was, that they might know the law for their guidance and conduct. Now, what means were so effectual, so easy, so little burdensome, for the purpose of teaching the law, as to see the working of the Legislature upon each law from its state of embryo to that of perfection; and this in the full proceedings which were given from day to day in the public prints? The proceedings of these Courts of Justice were, next to these Chambers of Legislature, in his opinion, of importance. It was a subject of utility to the people to contemplate; and, happily, it was a subject that the people, so far from having an aversion to, were most deeply, and, he would say, most warmly attached. There was no one subject in which the people were more interested than in the proceedings of the Courts of Justice, and they were only inferior in importance to the Houses of Parliament. Next to making known the laws which were passed, the next duty was to let the people know that they were effectually administered, and what were the punishments inflicted upon those who broke the laws. What was the use of hanging a man in the corner of a court-yard at Lancaster, with about eighty towns-people and fifty Westmoreland peasants to gaze upon him, which was the way the law was executed in the County Palatine of Lancaster. The guilty were to be found in Manchester, Liverpool, and the manufacturing towns, and to make the punishment deter those disposed to be criminal, the man was executed in Lancaster, in the presence of the Westmoreland peasantry, who did not require the benefit of any such awful warning. What an absurdity was this? It was equally absurd to allow the person who was guilty to be thus executed privately; and it went to prevent the public seeing the whole details of what was the course of justice. The execution did not take place in the presence of those who knew him; but the

instant the details of it were published in a hundred newspapers an effective example was given—it was conveyed over the whole country—all read it, as if they had all seen it. He did not look upon the punishment of the guilty as the only good which the execution of the law tended to produce. They should have the example of the law being well administered as well as executed. The public ought to be invited to attend Courts of Justice. Every possible kind of accommodation should be given to them. But it was evident that, even if such a course were pursued, many must still be excluded. But then the newspapers afforded ample means of acquainting the public with all that occurred in criminal as well as civil cases. Through that channel all the King's subjects might be put in possession of every thing of importance that might happen to take place in the Courts of Justice, though they were not able to be personally present. If this were allowed—if newspapers were suffered to pass freely and at a cheap rate throughout the country—it would have the effect of civilizing some parts of the population, and, if he might use the expression, of humanizing other parts of it. The people would soon learn on what principles the law was administered, and that knowledge would soon reconcile them to some proceedings which at present they considered to be harsh and severe. By an acquaintance with the debates of the Courts of Justice, and how wise and humane men expounded the principles of the law, the people possessed an advantage which, he believed, no man of reflection, who had given to the subject the slightest consideration, could, for a moment, have the least doubt of. The last argument he should mention, and it was a very important argument in support of making publicity cheap, was this—many were most zealous (and he was not the least zealous, though very inefficient) in exerting themselves in various parts of the country, but mostly in the capital, to improve the education of the people of England. They wished to provide for them cheap, innocent, and useful publications—cheap publications, which would be instructive and amusing; and they found that to a certain point they could go; but beyond that it was impossible for them to move. Where men were gregarious, if he might say so, where they were engaged in manufactures, or

commerce, where they lived in communities, there access was easy to them, and they received readily moral or religious instruction through cheap publications. But there was one part of the community, and a very large part, whom he had nearly given over in despair, amongst whom all attempts to introduce education had been unsuccessful, and yet they needed education more than all the rest of the community put together—he meant the peasantry of this country. They lived apart from the world, isolated, if he might use the expression, dwelling in solitary cottages. They did not rub, to use an ordinary phrase, against persons of a better kind, of more cultivated minds, of more general information. They only met individuals who partook of their own ignorance; the consequence was, that those who were occupied in extending education found that, let them make the publications to which he had referred as cheap as they could, they were not purchased by those persons. They were received in the manufacturing districts, they found their way into the town labourer's cottage, but across the farmer's or the peasant's door they did not go. This applied chiefly to the rural population, but it also applied to individuals in the smaller towns, who were not strictly peasants. Now, with respect to newspapers, all those individuals would read them. The newspaper, particularly the local newspaper, would certainly get into the farm-house, but it was prevented, in many instances, from entering, because the Chancellor of the Exchequer kept his hand on the latch, a fourpenny stamp duty effectually kept it out, and the peasant remained pent up in ignorance. The consequence was, that the only sort of paper read was the yearly almanack; and even upon that there had been a tax of 2s. 3d., which was recently removed. The peasant then had his paper once a-year only; it told him little of what was going on in Courts of Justice; no domestic news, nothing of what was now passing; and he now gets once a-year a small magazine, of which he does not think much. Once in three months the farmer, perhaps, gets a larger magazine, of which he does not think much, and that is his entire supply. He knew that if newspapers were circulated amongst them (that is, the prejudices against the removal of the taxes were got over) the peasantry would get a taste for sound reading. He was sure that if after

two years it was even requisite to restore the tax, which he hoped would not be necessary, they would obtain a taste for reading which once fixed, would never abandon them, no more than any other individuals of the community he had ever known.—These were, generally speaking, the very short and distinct grounds, yet less illustrated, which the petition set forth. Before he concluded by presenting the petition he wished to be allowed to add one more argument. The newspaper editors were generally against the abolition of the duty; those interested in the great papers he very well remembered, he had every reason to know, were opposed to the removal of the stamp duty. Those persons he hoped, had not much to apprehend from the removal of the tax; but they were like other monopolists, who had large capitals, and who enjoyed a monopoly in consequence of a tax being upon the article. He wished to be understood as not using the word in an offensive sense. The same objection was urged, he remembered, when his noble Friend brought forward the repeal of the leather tax. All the great tanners and curriers were against the repeal, as it enabled others to enter into a competition with them. Whatever was for the interests of the people must be for the good of the Government. He now came to the objection against the removal of the tax, which was of a twofold nature—the one the diminution of revenue—the other the probability that the removal of the duty would be the means of encouraging the influx of a vast number of seditious and immoral publications. Now, he was perfectly persuaded, looking to the probable receipts of the Post-office, to the excise-tax upon paper, and to the immense number of advertisements which might be expected under the altered system, that the revenue of the country would be no loser at all by the removal of this obnoxious tax. The calculations laid before the Chancellor of the Exchequer in the course of the last summer showed that the great increase of receipt which would take place under the three heads that he had mentioned would, if the whole stamp duty were removed, greatly improve, instead of at all diminishing, the revenue of the country. The other objection (and certainly, if well founded, a most forcible one) was, that if the duty were removed, it would encourage the growth of immoral, seditious, and in other respects, obnoxious

publications. Now, there never was a greater mistake in argument than this—one which was natural, but which was not in agreement with the fact. Those publications which at the present moment were irreligious and seditious, those which were noxious, as well as contemptible, were now published without any tax at all. The late Attorney-General showed him a list of newspapers; the present Chief Justice of the King's Bench showed it to him; and it was a horrible fact to state, that this was a list of newspapers, every one of which was published without a stamp, and 99 out of 100 of them were of the worst possible description. When a man had determined to break the law—when he had resolved upon publishing blasphemy or obscenity, or incentives to such a crime as assassination, or, as an editor of one of those papers did, lecture the people upon the mode of setting fire to haystacks, and upon the means by which a man can run away with safety before the fire is discovered—when a man has resolved to preach arson, or encourage murder—when he has determined upon this, he cares very little for the stamp law. He has an advantage in evading it, he can sell what he wishes to distribute for a penny; whereas, if he paid the stamp duty, he could not sell it for less than sixpence.—He sells a great many more because he sells it for a penny, instead of confining it to a few if the article were dear. The consequence to be observed was this, that blasphemy and sedition were untaxed and wider circulated. The tax, instead of putting them down, actually set them up; the tax did not give a monopoly to the grower of the good article but to the contraband trader. Blasphemous, seditious, and obscene publications, did not pay a farthing duty. The honest, the respectable trader, paid 4*d.*, he paid 200 per cent. on what was calculated to do good; while he who vended what was noxious and deleterious, was not charged one halfpenny. Was he, therefore, wrong in saying, that the monopoly created by the law worked favourably for the obscene and seditious publications? Suppose smugglers brought from Holland a deleterious, he would not say a poisonous spirit, would any one say that the excise upon the home-brewed and good beverage would not tend to encourage the importation from Holland? Take away the tax, and bring into competition the wholesome and the deleterious

spirit, and the latter would cease to be consumed. His advice was, to take away the tax—take away the advantages which the contraband trader had now, and give them to the honest dealer in the good article. It was perfectly clear that the latter would be preferred. Under the influence of the stamp duty, he was shown a list of 163 publications, which with the exception of one or two, were of the description he had already stated. It was during the incendiary fires that the incitement he had referred to was held out to them. Since then great exertions had been made to bring into competition with such publications, papers as cheap, and which were much more valuable. The latter description of papers had displaced, to a considerable extent, the others. About a year and a half after the first establishment of the papers, he found this to be the case. He took the sale at a newsman's, he was almost sorry to say it was that of a Sunday, but he examined the sale of a person who disposed of between 2,000 and 3,000 copies of those different publications. The proportion of A. B. and C., that is, of the bad description, was, of one, 16, the second, 18, and 32 for the third—that is, 56 were sold by the newsman, who was on a great scale, and therefore might be regarded as a test of the public demand. The sale of a magazine of the same class, an admirable publication, and full of excellent morality, which was under the administration, and brought out by the exertions of the Society for the diffusion of Christian Knowledge, and which had only then appeared for eight months, was, instead of 56, the amount of the whole of the bad publications, 750 odd, that is, 15 times more than the greatest number of the bad publications altogether; while the sale of the *Penny Magazine*, established by the Society for the diffusion of Useful Knowledge was 1830; one was about a year established, while the other was not more than eight months before the public. Now the tendency of all the good publications was, to drive the bad out of the field. Thus far, then, he showed how successful they had been. The stamp duty, however, allowed them to go no farther, and, by it such publications were followed and limited. Upon those grounds he recommended his views to the consideration of the House. Those who had not considered the advantages were opposed to his pro-

position; but, for himself, he could say that he had very deliberately formed his opinion upon the subject. He had known those who had overrated the advantages of retaining the tax, who had been alarmed at the prospect of abandoning it, who had after considerable discussion with him, seen the advantages increase, and the disadvantages not merely lessen, but diminish wholly; and where they thought there was a financial difficulty find, in fact, a facility, and what they thought would be an objection as tending to serve bad publications, would ultimately be made to act the other way, by suppressing them—and the further they had considered this subject the more heartily were they inclined to support him. He should now present the petition—if its prayer were adopted he did not know a more safe, more legitimate, and more constitutional means of strengthening, supporting, and preserving beneficial institutions in the affections of the people.

Petition laid on the Table.

HOUSE OF COMMONS,

Monday, March 23, 1835.

MINUTES.] Petitions presented. By Mr. HARDY, from Bradford, for Amending the Factories' Regulation Act.—By Sir EDWARD KNATCHBULL, from Canterbury, against a former Petition from the same Place.—By Dr. BOWRING and Mr. J. MAXWELL, from Glasgow, and several other Places,—for Relief to the Handloom Weavers.—By Lord EBRINGTON, from Dublin, against the Practice of disposing of Inaccurate Weights and Scales.—By Mr. Secretary GOULBURN, Lord STANLEY, Messrs. S. WORTLEY, HUGH CAMPBELL and FERGUSON, from several Places,—for Protection to the Church of Scotland.—By Lord EBRINGTON, Sir WILLIAM GEARY, Mr. HUGHES HUGHES, and Mr. GULLY, from several Places,—for the Repeal of the Additional Duty on Spirit Licenses.

CANTERBURY ELECTION.] Sir *Edward Knatchbull* said, he had been intrusted with a Petition from certain freemen of Canterbury, to which he would call the particular attention of the House. It had reference to a petition which had been presented the other evening by the hon. Member opposite, complaining of undue interference on the part of certain persons in the late Canterbury election. No sooner did the intelligence of the presentation of that petition, and of the statements contained in it, reach Canterbury than the present petition was prepared, which denied *in toto* the assertions of the former petition, and expressed an anxious desire on the part of the petitioners for the fullest inquiry and investigation into the matter. He had no personal know-

ledge of what had occurred at the last Canterbury election, but he was quite sure that the hon. Member would not contradict him when he said, that the charge made against the aristocracy residing in the neighbourhood, of having interfered in that election, had no foundation in fact. He was sure, that no such thing occurred. He had himself never, either directly or indirectly, interfered in the elections of Canterbury, and having many friends amongst the gentry, in that vicinity, he thought he could safely say the same on their part. He thought, that the hon. Member, as well as the parties to the petition he had presented, had been warmed by their zeal into somewhat indiscreet assertions on the subject. He recollected, that on a former evening, the hon. Gentleman himself had mentioned an occurrence of a rather singular character. He had said, that he had been called up early in the morning on one of the days of the election to witness some proceedings that were going on, and that on taking his station in a tavern, he saw three or four clergymen at that early hour (seven o'clock in the morning) endeavouring to tamper with some of the electors. Now, this was the more extraordinary, considering that the election took place early in January. Perhaps he misunderstood the hon. Member, but he understood him to make that statement. He would repeat, that the petitioners denied all the statements contained in the former petition against them, and that they were ready to meet any inquiry, that the hon. Member might move for, or that the House might think proper to institute.

Mr. *Frederick Villiers* would just say a few words in reference to what had fallen from the hon. Member. What he did say was, that he was sent for on one of the days of the election, to witness from a house opposite five clergymen endeavouring to tamper with two electors, who had declined to vote. He did not mention the hour at which that had occurred. He had mentioned another instance where he was informed, that at seven o'clock in the morning three clergymen, one of them the brother of the right hon. Baronet, at the head of the Government, were seen tampering with a coach proprietor, and endeavouring to get him to vote for the Government candidate. He had every reason to know, that the clergy in Canterbury had acted with the greatest zeal against him. Twenty-

four clergymen polled against him, and one of them actually went to two polling-places, and polled twice against him. He first went to one of the district booths and polled there, and he afterwards went and polled at the Guildhall. When taxed with it, he said that it had been done by mistake. It was very fortunate, however, for him (Mr. Villiers) that no more mistakes were made in that way.

Petition to lie on the Table.

BREACH OF PRIVILEGE—ATTACK ON MR. HUME.] Mr. Roebuck said, he rose to call attention to a Breach of Privilege greatly affecting this House, and committed by the right hon. Baronet, the Chancellor of the Exchequer. The Speaker of the House had asked, and obtained, at the opening of the Session, perfect freedom of debate within its walls; but it made little difference whether that freedom was effected by the Crown, or by the Ministers of the Crown; for the right hon. Baronet (the Chancellor of the Exchequer) had called upon the hon. and learned Member for Middlesex (Mr. Hume) to account out of the House, for words spoken in it. Hon. Members were sent into that House to express all their opinions as public men, and in so doing, they were acting in the performance of a public duty. Should he offer to form an opinion of any man, particularly Ministers of the Crown, as to whether they were pursuing a course fitting Members of that House, it was not only his privilege, but his duty, to express that opinion; and it was most important that not any one should be permitted by means of threats or intimidation of any kind whatsoever to induce hon. Members to depart from that expression. He would say, if called upon to express an opinion as to the course of the right hon. Baronet (the Chancellor of the Exchequer), in reference to his late proceedings, as a Minister of the Crown, compared with his proceedings as one of the Opposition of the late Parliament, he should have felt it his duty to express himself as the right hon. Member for Middlesex (Mr. Hume) had done, and he claimed the right to tell the House, and the right hon. Baronet, that he held such an opinion; and as that was his opinion, was it come to that pass, that threats of swords and pistols were to be used, and was there to be calling out to mortal duel; and that, too, by so high an authority as a Minister

of the Crown, who had also done a similar thing in the case of a judge of high station in the Ecclesiastical Court? He thought, that it had appeared they had come to that stage of civilization, when men were not supposed to decide the truth by shooting each other. It might be said, that the right hon. Baronet (the Chancellor of the Exchequer) had no such warlike intention; it might be so, but according to the usages and forms of society appearances were extremely warlike. If in writing to another complaining of an imputation, the person written to does not retract the offensive expression, the writer as a man of honour is bound to call the other out: whether or not the right hon. Baronet intended to do so in this instance, he could not say. Considering the state of civilization of the country, considering public morality, and as a representative of the people caring for the public morality of the Ministers of the Crown, he called upon the Speaker, as the defender of the privileges of that House, to defend and protect him—to shield him against the attack of the right hon. Baronet, should he speak the truth. He chose to express his opinion, but did not choose to be shot. If it happened, that he did use words not Parliamentary, the proper mode to canvass the matter, was within that House, by word of mouth, and not by pistols; as was done by a right hon. Member holding a high station in the State, and who was the great champion of the Church. [*The hon. Member having concluded without making any Motion, there were loud cries of "What do you move?" and laughter.*] He would move, "That it was a breach of privilege for the right hon. Baronet (the Chancellor of the Exchequer) to call out the hon. Member for Middlesex" [*laughter.*] Well, perhaps, that would not do. He would read the letter written by the right hon. Baronet (the Chancellor of the Exchequer) to the House; it was, indeed, couched in courteous language, but the intention of the writer was obvious. The letter was as follows:—

"House of Commons,

"March 20, Friday Evening.

"SIR—In the course of the debate, this evening, I understood you to make use of expressions of which the purport was, that I was pursuing a course with respect to the measure then under discussion, that was inconsistent with the conduct of a man of honour.

"Thinking it probable, that such expressions

E

fell from you inconsiderately, and in the warmth of debate, I gave you the opportunity of recalling them, by an appeal to you in the House. I could not with propriety pursue the subject further at the time, but I am confident, that you will feel, that the expressions of which I complain are not consistent with the usages of Parliament, and not warranted by the freedom of debate; and that you will therefore not hesitate to disavow them as applied to me.

"I have the honour to be, Sir, your obedient servant,

"ROBERT PEEL."

"Joseph Hume, Esq., M.P."

He moved, that the letter be read by the Clerk of the House, and that it was a breach of privilege.

The Motion having been seconded,

Mr. *Spring Rice* did not think that was a proper time for a motion of that description, nor did he think it was one of those questions on which the House would be disposed to interpose its authority. He was one of the last persons who would wish to have the present discussion introduced. He did entirely dissent from the principle laid down by the hon. Member for Bath. He did not speak particularly with reference to the present motion; but as a Member of Parliament, he could not admit the principle advanced by the hon. Member. If, in personal discussions in that House, hon. Members made use of expressions contrary to their honour and feelings, the principle, as laid down by the hon. Member for Bath, would preclude Members altogether from explanation. They were not an assemblage of gladiators—they were not an assembly of cut-throats, but an assembly of Gentlemen. He did not wish that they should be under no control in the sentiments they expressed. When, a few days ago, an hon. Gentleman and he had some altercation during a debate, he was not one, and considering the matter in the abstract, who would have thought rightly of himself for taking shelter under the privileges of the House for the expression of such opinions. He could not say what gave rise to the correspondence then before the House, but he would entreat the House not to be induced to enter into discussions of that description. He meant nothing disrespectful to the hon. Gentleman (Mr. Roebuck), but he would entreat the House not to go into or entertain the question upon the principles laid down by the hon. Mover. He thought if the question were

discussed, it would be found there was no breach of privilege committed; but if committed, he would entreat the House not to precipitate itself into a discussion of that description, as it would be not otherwise than productive of great inconvenience.

The *Chancellor of the Exchequer* said, it was not for him to say one word as to the course which the House might think fit to pursue on the subject. If he consulted his own personal feelings in the matter, he should regret that the hon. and learned Member had felt it to be his duty (for he was sure that it originated in a feeling of duty) to revive a matter with respect to which, as the hon. Member for Middlesex knew, all unpleasant feelings on both sides had been entirely obliterated. He felt perfectly satisfied that that hon. Member (Mr. Hume) had made use of expressions, at which any Gentleman would take offence, which they were not intended by him to give, and therefore he was sure, not intending them in that sense, the hon. Member for Middlesex was glad of an opportunity to remove any unpleasant impressions which had been produced on his mind. In the course of the very same night, the hon. and learned Member for the county of Cork referred to certain expressions stated to have been used by him (Sir R. Peel) on a former occasion, and he did not hesitate to assure the hon. and learned Member, that his impressions were altogether erroneous, and that he had never used expressions calculated in the slightest degree to wound his feelings. He would not go further into the question. But he should be very sorry, after having been a Member of that House for twenty years, having been engaged in angry party discussions, and speaking as warmly as any man, if it were thought that this matter deserved further notice. He was in the habit of avoiding personalities himself, and was as little disposed as any man to take offence at comments which might be made on his conduct as a Member of that House, or as a Minister of the Crown. But those who heard the debate were aware that the language which had been used, was applied not as discreditable to Government, but personally to himself, as pursuing a course which was inconsistent with the conduct of a man of honour. Such language being used, if unintentionally, he thought the hon. Member would be glad of an opportunity of retracting or

explaining it; and as that could not be afforded in consequence of the interruption that took place in the debate, he had done so as soon afterwards as possible. The hon. Member, as a man of honour had availed himself of that opportunity to explain, and the explanation was perfectly satisfactory. Politically hostile they might continue to be, as he had no doubt they would, but not by any means on unfriendly terms. If the House thought it necessary to take any further steps in this matter, and treat it as a breach of privilege, he would at once retire; but it would be most satisfactory to his own feelings if the discussion were allowed altogether to drop.

Lord *John Russell* said, certain expressions had been used by the hon. Member for Middlesex, towards the right hon. Baronet, (the Chancellor of the Exchequer), and that right hon. Baronet had desired to give the hon. Member an opportunity to explain, and there could not be a more proper course. He was not in the House at the time the expressions were used, and therefore, he could not say what took place; but he was sorry when any expressions of a personal nature were used, as they did not tend to raise the character of the House. When expressions were used that demanded the interference of the House, he always wished the House to use its power, as it had done during the last Session, in the case of Lord Althorp and another hon. Member (Mr. Sheil). He thought that no hon. Member in the House was more cautious of giving personal offence than the right hon. Baronet (the Chancellor of the Exchequer). He hoped the House would go no further in this matter.

Mr. *Thomas Attwood* hoped the House would allow him to say a few words. He thanked the right hon. Baronet (the Chancellor of the Exchequer) for the Jury Bill he had given the country, he also thanked him for another Bill which he had passed about ten years ago. In so doing, he acted properly, virtuously, and honestly; in that Bill he had made it capital felony, without benefit of clergy, for one Gentleman to pull a trigger upon another. He hoped the right hon. Baronet would not forget his own child. He had made it murder to kill another, or to inflict pain by a blunt instrument. The right hon. Baronet had acted with manliness, and the hon. Member for Bath might be well advised to withdraw his motion.

The *Chancellor of the Exchequer* said, the hon. Member for Birmingham (Mr. Attwood) has himself been guilty under the same act, for he certainly inflicted pain on me, with a blunt instrument.

Motion withdrawn.

TITHES, IRELAND.] Lord *John Russell* begged to put a question to the right hon. Baronet, as to the course he meant to follow in bringing up the report on the resolution which had been agreed to the other night, on the subject of Tithes in Ireland. He believed there was no disposition to throw any impediment in the way of the introduction of the Bill; but, at the same time, there were some hon. Members on that side of the House who might wish to accompany their vote in that respect with some explanations, in order to let it be understood that they were not pledged by that Resolution to the views of the measure when it might be introduced. As the report could not be brought up early to-night, he hoped some other evening would be set apart for its reception. He also took that opportunity of stating, that his wish was to bring forward the whole question of the appropriation of Irish church property on Monday next, according to the notice which he had given; and it was also his intention to enforce, on that occasion, the call of the House. He hoped that the right hon. Baronet would not object, for the convenience of all parties, to its being brought forward as a substantive motion.

The *Chancellor of the Exchequer* was very sorry to observe that the practice was increasing every week, to take the supply days for motions. The time of the House was absorbed with discussions, leaving no day for the transaction of the public business. Still he was very much indisposed to take any course which might be against the general feeling of the House. As far as the day was concerned on which the Motion was to be brought forward, the noble Lord having given notice of it very early in the Session, and as he might insist on his right, an extreme right, which, on public considerations might be productive of inconvenience, and especially as in consequence of the order for the call of the House, many hon. Members must have made their arrangements to meet it, he (Sir R. Peel) would oppose no obstacle to the noble Lord in bringing forward his Motion on Monday. With respect, how-

ever, to the mode of bringing it on, he should certainly reserve to himself any advantage which he possessed. But if there was an understanding on the part of the House that the Bill founded on the resolution should not be read a second time till the question of appropriation was disposed of, could there be any objection, not being committed by the resolution, to permit the Bill now to be introduced? The Bill was of the utmost importance. Under present circumstances it was the law of the land that the clergy should repay the instalments of the 1,000,000*l.*, and it was the duty of Government to enforce the demand in conformity with the law. But the clergy replied, "Although you have a claim on me, I have a claim on another party—the occupying tenant—founded in law; enable me to enforce my claims and recover my rights, and then I will repay you." Now, it was a very inconvenient thing for Government to take upon itself a discretionary power, and discharge those payments which they were called on by the law to enforce. He therefore, hoped the House would not interpose any obstacle in the way of the introduction of the Bill; the most convenient course would be to permit the resolution to be brought up now, and the Bill, so far as it could be founded on it, to be introduced, on the understanding that they should not proceed to the second reading, when discussions on its principle might take place, till after Monday next.

Lord *John Russell* had no objection to that course. Many Gentlemen, however, could not consent to the Report without expressing their opinions with regard to it. But he had no wish to prevent the Bill from being brought in. He thought that an hour might perhaps be all that would be required for the discussion, if it were taken now.

The Report was brought up and read.

Mr. *Hume* was anxious to see the Bill of the right hon. Baronet, in order to see if anything would be done by it for that unfortunate country. It was with that view that he should support the Resolution for the purpose of enabling the right hon. Baronet to bring in his Bill. There was, however, matter in the Resolutions which he should most strongly object to; for instance, the purchase of land out of commutation money. It was a principle disapproved of by the last Parliament, and would be alike injurious to the clergy and

the people if adopted by the present. He could not, therefore, conceive how any hon. Members who supported the measure of the preceding Session could give their support to the measure of this Session. He considered, that there would be no peace in Ireland until the question of appropriation should be satisfactorily settled, and the people relieved from the support of a sinecure Church, in the tenets of which they did not believe. Until that great question was set at rest, all other attempts to settle the subject were mere trifling with it. It was on these grounds that he and those who acted with him deemed it better to forego all immediate opposition to the present Resolution, and waive their intentions respecting it until the whole question should come under consideration on Monday next. The people of England had no question more at heart than the question of Irish tithes; and it was in vain for the Government to suppose that there would be either peace in Ireland or satisfaction in England until it was finally and satisfactorily settled. As the right hon. Baronet had intimated his intention to be merely to bring in the Bill and give its details, not to advance it a single stage further until the discussion of Monday should have terminated, he (Mr. *Hume*) would, as he had said, waive all opposition at present to the Resolutions, only declaring that he did not regard them as pledging himself to anything, and content himself with entering his protest against the principle of the measure.

Mr. *Gisborne* put a question to the Chancellor of the Exchequer, which we could not catch; in answer to which,

The *Chancellor of the Exchequer* said, that if the House affirmed the Resolutions his right hon. Friend the Secretary for Ireland would be enabled to bring in the Bill, with the clauses respecting the non-payment of the instalments due at present by the clergy to the Treasury, and remission of that amount, together with the apportionment of the residue of the million, 370,000*l.* If the Resolutions were not passed, the Bill would have no ground work. The instalments were now due from the clergy, and the Treasury would be obliged to enforce the repayment if there was any suspension of the Resolutions. He, therefore, thought the best course the House could take was to allow the Resolution to pass. By the Standing Orders, no money could be granted out

of Committee, and to grant it in Committee there was due and proper notice required. All the forms in the present instance had been complied with, and, therefore, he should suggest to the House to permit the Resolution to pass. On Wednesday or Thursday the Bill could be introduced in its complete shape and printed for the use of hon. Members.

Mr. O'Connell thought the Bill might be introduced with the clause as to the money grant printed in italics; it would be quite competent for them afterwards to move that clause in the shape of a Resolution in a Committee of the whole House. His opinion was in favour of a remission of the instalments; and he would take the million, superseding as it would the necessity of levying tithes on the people as *pro tanto* a pacification. In the mean while Government had no option, they must apply to the clergy, and if they were called on they must have assistance in asserting their own claims. A decision ought to be come to immediately on that subject. He implored the House to recollect how impossible it was that this Bill could tend to promote the peace of Ireland. The principle of the Bill was, that the landlords should be applied to in the first instance. In his opinion, the effect and operation of the Bill would be to shut out all hope of remedy; and with no chance of relief from tithes in one shape or other, what hope could there be of peace? In one point of view the change would prove a change altogether for the worse, for as long as the tithes remained in the hands of the clergy, there were certain small tenements which they by Act of Parliament could not distrain; but unfortunately under the measure of the present Session, as developed to the House by the right hon. Baronet, the tenants of those holdings would be most effectually reached by the landlords when they had become the collectors of the tithes. According to the Bill formerly proposed by the noble Lord, the Member for North Lancashire, those small holdings were not made liable, and in that respect, which was a most important point, the present Bill differed from the former. It was a material difference, a decided difference, for the worse. The effect of the proposed measure now under the consideration of the House would be completely to repeal the exemption contemplated by the noble Lord, and at the same time to give the

poor occupying tenant nothing in return. The Bill would give the landlords a double right—a right to distrain for the rent and for the rent-charge in lieu of tithes; and thus it became perfectly vain to talk of the tenant experiencing anything like relief. He need scarcely suggest that which must be known to every lawyer, that the landlord might distrain for the rent-charge, and avow for the rent. Having got possession of a certain sum from the tenant in consequence of the distress, he will say, "Now I can put in my pocket sufficient to pay the tithe, you may have back, if you please, what is over that sum, and retain it till you can make up the whole of your rent; but that which I have now received, and which I have exacted from you by means of the power of distraining, I will retain as payment of the rent-charge that has been substituted for tithe, since I am aware that you are more reluctant to pay that demand than the rent itself." Thus (continued the hon. and learned Gentleman) the affair of the payment to the landlord himself, and the payment in lieu of tithes, would be mixed up together, and the landlord, in an abortive effort to establish the claims of the clergy, would deeply endanger his own. The Bill was by no means so well entitled to the appellation of just and humane as was the measure of the noble Lord, the Member for North Lancashire. The former Bill went to protect the lowest class of the tenants, whereas the new measure, if it should unhappily pass into a law, would have the effect of placing them directly under the lash of the tithe system. The plan was represented as being a project for the comfort and advantage of the poor occupying tenant, but it was a strange sort of advantage which subjected him to that which he was not now paying, and imposed upon him a burthen, which that Bill upon which the measure of the right hon. Baronet was said to be a mighty improvement had completely abolished. He would repeat, that the picture he gave of the probable conduct of the landlord towards the poor holder of a small tenement was no exaggeration—no extravagant colouring of a picture. It had occurred a hundred thousand times, and would of necessity occur again, the landlord, as he before stated, would pocket the amount of the charge when he sued for his own rent, and only give credit to the tenant, at foot of his account for rent, for the difference

between the amount of his payment and the sum claimed on account of the rent-charge. Oh! but then the right hon. Baronet told them that pecuniary transactions between the peasant and the parson would be at an end, for that in all time coming the Ecclesiastical Commissioners would be the receivers of the fund, and that they would sue the landlord; they might perhaps sue the landlord if they could find him, but he was at liberty to go whithersoever he thought proper, to France if he pleased, he might go to gaol, but wherever he went, the proper tenant would be found, and would be eventually ground till he made the required payments. He only requested the House to look at the sort of argument by which the Bill was sought to be sustained; the Irish peasant was said to be most inveterately averse from payments to a parson, whose religious offices yielded him no benefit; he had a mortal antipathy to pay a single parson, but the moment you set on him a batch of parsons in the shape of an Ecclesiastical Commission, you completely altered the case, and deprived the transaction wholly of its repulsive character. To the Corporation sole the tenant had a most unconquerable objection, but when you gave him an aggregation of about a dozen parsons, throwing in a Bishop or two, he instantly fell in love with them, and declared that that which no consideration under heaven could induce him to yield to the demands of one, he is quite ready to concede to the entreaties of many, and that that which he would rather die than pay to an individual parson, he had not the least objection to hand over to a dozen of them, under the new appellation of Ecclesiastical Commissioners. It was really quite ludicrous and absurd to talk of such a measure as that being equitable and final. A portion, and no small portion either, of one of the finest, most powerful, and best disciplined armies in the world had been employed to collect tithes in Ireland, and had been so employed without success. The army had been resorted to too much too, he presumed to their annoyance, and not at all to the public advantage, and did the House suppose, that if necessary to the individual parson, they would be unnecessary to the company of parsons united under the collective character of Ecclesiastical Commissioners? The House might assure itself that the Commissioners would require

to call out the army as frequently and as extensively as the parsons had done. Looking at the whole measure then, was he not justified in saying, that they had not advanced a single inch towards the pacification of Ireland? Would any one acquainted with the condition and character of the Irish people attempt to affirm that the promoters of the measure had even approximated towards the work of pacification? There might, no doubt, be certain Irish landlords attached to the present Administration, who, by congeniality of sentiment and feelings with the parsons might be ready at once to believe, and to assure the House, that there existed every facility for the collection of tithes; but there was not a man living who knew anything of the state of Ireland, and held his mind free from the influence of party prejudices, could for a moment doubt that a resistance to rent would now be identified with the long-established resistance to tithes, and that Whiteboyism and the Rockite system, would in future apply itself to rent, in the same manner as they had in times past offered resistance to the collection of tithes; the pressure of rack-rents, and frequent changes of possession amongst the Irish tenantry, brought their position with the landlord to a state which wanted nothing but that further aggravation, which the present Bill supplied, to complete the character of its misery. The project of Ministers put the landlord in a double capacity, and created a fresh feud between him and the tenant, adding to his previous unpopular character the additional unpopularity which at all times, but more especially at present, attached to the levier of tithes. It went to complicate the grievance of which the Irish tenant had to complain, and instead of redressing both, or even mitigating either, it stimulated each of them, and imparted a force and violence, of which it might be supposed, that neither was individually susceptible. For all these reasons, then, he did most earnestly protest against the idea of holding out the slightest hope, that a measure like that could have the effect of producing a pacification in Ireland. What possible considerations could be suggested to the minds of the Irish people, which could reconcile them to be treated in a way utterly and totally different from that experienced by the rest of the King's subjects? In England the people paid not tithes to a clergy with whom

they had no connexion, for the majority of the English people belonged to the Church. Did the House forget the struggles that even in this country prevailed from the beginning of the reign of James 1st, up to the Revolution, in the attempts to set up the Established Church in Scotland? From the time of the Restoration to that of the Revolution, the bloodshed which ensued arising from the same causes, could not but be recollected; there was then a struggle to identify the people with the Establishment, but it failed, and the result was, that the Government were compelled to accommodate the Establishment to the people. The Scotch nation would not pay for a Church to which they did belong, and the weakness of the English Government compelled it to submit, and adopt, and pay the clergy of the people. Ireland did not require so much—she did not want that England should pay the clergy of the people—she only required that they should go the next stage to that—namely, to set them free from the necessity of paying the clergy of another persuasion. There, therefore, could not be anything final in such a measure; it was nothing but an extreme and intolerable aggravation of an existing evil—it did not answer the expectations excited by the King's Speech, and no more deserved to be regarded in the light of a final measure, than any of those which had been resorted to by various Governments during the last seventy years.

Mr. *Gisborne* observed, that an attempt had been made to set up a distinction between the Resolution of a Committee of the whole House on the subject of a vote of money and on any other subject, it having been contended, that that alone was binding on the House and on individual Members which related to pecuniary grants. If that doctrine prevailed, he confessed he did not see how they could get out even of that Resolution upon which the intended Bill was proposed to be founded, for it professed to deal, first, with 670,000*l.*, and, secondly, with 330,000*l.* He believed that it was not necessary to have introduced any Resolution such as had been agreed to on the former night. A simple Motion for leave to bring in the Bill would have been quite sufficient, and more in accordance with the ancient practice. When the late Administration had introduced their Bill,

they proposed to do so by a mere Motion for leave; objection was taken to that course, a Select Committee was appointed to ascertain, what was the usual practice, and they reported, that they could not discover whether a Resolution in Committee was necessary or not. On these grounds, however, the Ministry adopted the plan of founding their Bill on a Resolution. He suggested, therefore, that it would be better for the right hon. Baronet to move for leave to bring in a Bill and withdraw his Resolution, giving notice of a Resolution relating to the money clauses.

The *Chancellor of the Exchequer* said, that if the objection adverted to by the last speaker were taken, he should not persevere in offering to it any opposition. He had only further to observe, that one of the reasons which determined him to proceed by resolution was, that he had not given notice of his intention to introduce a Bill, and he thought the Resolution would best serve the purposes of a notice. Besides that, there was nothing in the Resolution which did not admit of being reconsidered, and there would be time enough for that purpose between that and the 30th of March. He was anxious, he confessed, to have the Bill introduced, and in the hands of Members, for it could not but be satisfactory to them, as it would be to him, that they should be made fully aware of its provisions. It was, he assured the House, by no means a matter of choice that led Ministers to adopt that additional stage in the proceedings. There could be no natural love on the part of Government to additional stages, but he was sure the House would agree with him, that looking to past precedents, and especially to that established in the case of the measure introduced by Lord Althorp—he meant the Irish Church Temporalities Bill—it would have been impossible for him to have done otherwise than propose a Resolution in a Committee of the whole House. Lord Althorp's Bill, as every hon. Member must recollect, had its origin in a Resolution of a Committee of the whole House. Influenced, then, by such considerations, he felt that he could not depart from the course which he had originally prescribed to himself—a course perfectly in accordance with the usages of Parliament, and as he conceived with the obvious convenience of the House, as well of individual Members.

Mr. Warburton concurred in the suggestion which had been thrown out respecting the convenience of printing the money portion of the Bill in italics, and then submitting that portion afterwards to a Committee of the whole House.

Mr. Feargus O'Connor wished to make a few observations upon the subject before the House. He really had hoped that such a measure as that then before the House—a measure, the effect of which would be to transfer to the Church something little short of the third part of the lands of Ireland in fee—would have been better considered before it was proposed, and would have been introduced in a manner totally different from that in which it had been submitted to the House. He would make bold to say, that the Bill would altogether fail in attaining the object which its promoters proposed to themselves, though perfectly willing at the same time to give the Bill and its author (the right hon. Baronet opposite) full credit for all that they deserved; but when he looked at it and saw the manner in which it dealt with the loan of the million, he found it impossible to apply to it the language of approbation. One effect of the measure certainly would be most prejudicial as regarded those by whom the arrears to constitute that million had to be paid, and he could of his own knowledge declare, that the smaller the tenement, the more severely would the pressure of the demand bear upon the poor tenants, many of whom paid from 10s. to 18s. a-year for potato gardens of not greater extent than the area of the room in which they were then assembled. One of the greatest faults in the Bill was, its permitting the liability to affect holdings of that very small extent. Did the House suppose it was necessary that he should support the view which he took of this part of the question by reference to positive instances? Was it necessary that he should remind them, that one of the most remarkable murders committed in Ireland, was perpetrated on the person of a clergyman of the Established Church, engaged about that time in the collection of the tithes of the class and description to which he had been just alluding? The odium attaching to the system it was impossible for him by any effort of language to exaggerate. Having attended several tithe meetings in various parts of the country, he had had good opportunities of judging of the feelings and sentiments of

the people; and he hesitated not to declare, that they were in a temper most unfit to derive satisfaction from the Bill, and in a condition in all respects incapable of being improved by any one of its provisions. He objected last year to the purchase of land for the use of the clergy, and he should continue to do so, for the effect of it would be, to increase a political influence already too great—to establish small farms in every parish which would be badly cultivated, and to extend the power of political partisanship throughout every district of the country. In his opinion it was vain to attempt to collect tithes; the organization against them was in all respects so complete, that anything of the kind must of necessity prove unsuccessful, for neither by gentle means, nor by force, could it be accomplished. They had certainly been told by the right hon. Baronet, that the conduct of the clergy of the Established Church had been throughout mild and indulgent; and, as a proof of the gentleness and pacific character of their deportment towards the tithe-paying peasantry of Ireland, he was enabled to state that only in thirty or forty instances had he been applied to with requests for the assistance of the military. He confessed he thought thirty or forty instances was doing pretty well in so short a time; but even were the fact so, were it perfectly true, that the conduct of the clergy of the Established Church was in all respects exemplary, still, so long as tithes continued to exist, they would regard with contempt and disdain every effort at conciliation: they would look upon justice as cowardice, and mercy as caprice. He, and those with whom he acted in Parliament, had often been taunted with not bringing forward any specific measures, and their opponents sought to establish a contrast by referring to the measures which they themselves introduced. True it was, they did bring forward many measures, but not one for Ireland. They spent 20,000,000*l.* on one object alone, by which the negro slaves in the West Indies received the first instalment of Reform. After thus giving away 20,000,000*l.* in one direction, Ministers affected to say, that they conferred a mighty boon on Ireland, in giving up twenty-two and-a-half per cent on the value of tithes, by which operation there would be grievous injustice towards the payers of tithe, and a benefit to the clergy of nothing short of

twice as much as under other circumstances they might have been able to obtain. The people of Ireland were confessedly shrewd and sharp, they were not likely to be imposed on by any thing like the provisions of such a measure as that, and there was no part of it more likely to excite disgust and disdain than the surrender of the million. It was perfectly true, that the clergy of the Established Church were in a most deplorable situation; it was quite certain, that they could not collect the tithes, and that they had been compelled to yield to the direct intimidation, he did not mean physical force, but that moral strength against which they could not make head. The right hon. Baronet might suppose, that he derived substantial support from the parsons, and from their friends; that they helped to keep him and his colleagues in office; but let the right hon. Baronet be cautious how he exposed them to the grasping dispositions of the landlords. There seemed to be some latent feeling of that sort when the advocates of the present measure asked, "What! would you put all the money hitherto paid for tithes into the pockets of the landlords?" To that he should reply, that he would not certainly allow, if he could help it, a robbery of the clergy by the landlords; neither would he be a consenting party to a spoliation of the occupying tenant by the same party. Neither the one nor the other ought to be endured. Although he augured no advantage from the present measure, he was not without hope that beneficial results would ensue from its discussion. The tithe question had been for some time rapidly gaining ground, and one of the first steps which opened the way for that final and irrevocable settlement now not far distant, was the Bill of 1823, introduced by the present Home Secretary, then chief secretary for Ireland; but notwithstanding that measure, if the proposed Bill of the right hon. Baronet became law, a third of the landed property of Ireland would be in the hands of the Church—that, as he conceived, formed a legitimate ground of complaint, and it would be vain to meet that or any other complaint by the remark, that those now filling the Cabinet of the King entertained a stronger disposition to deal fairly by Ireland than those who, being now in opposition, were supposed to entertain no insuperable objection to being called to the councils of the Sovereign. He repeated, that that

was not the way of meeting the argument. In reference to the tithe question, there was one observation which naturally suggested itself, it was founded on the extreme unpopularity of the tax; he remembered on a former occasion that mere unpopularity had been admitted as a legitimate ground upon which to urge the repeal of an obnoxious tax. He must be allowed to say, that there never existed a tax more open to the argument founded upon unpopularity than was the impost of tithes. What, he would ask, was the purpose of so pertinaciously adhering to them? Was it expected that Protestant ascendancy could be re-established in Ireland, even at the expense of a civil war, or by means of the most powerful army? They might resort to an army, they might prosecute the people for turbulence or violence, but they never could eradicate from the breasts of the people of Ireland their disinclination to pay tithes. How did the widow Ryan answer in Rathcormac, when questioned as to what influenced the conduct she pursued? Her answer was, that she "did not wish to make a head of herself in the parish;" could anything evince more plainly the sentiment prevailing amongst the peasantry? He entertained no doubt whatever but the right hon. Baronet had fairly and fully reflected upon the course which he had to pursue; no doubt, likewise, that the Reform Act had helped him to infuse no small share of liberality into his measures; had it not been for that Act, a differently constituted House of Commons would have invested him with very different powers, and the course of his policy would have been widely dissimilar from what it was; but with all that, when he looked to the power which the new constitution of the Parliament conferred upon a Minister disposed to liberal measures, he did hope that the right hon. Baronet now at the head of the Government would not permit himself to be too much influenced by his old associations, but would do something substantially useful for Ireland. If the Parliament continued to go on legislating as it had done, agitation must be renewed, and continued. So long as such scenes as that enacted at Rathcormac continued, there could be no peace for the country. When such persons as the widow Ryan were sued, as she had been by Mr. Ryder, for 4*l.* 16*s.* of arrears, what hope of peace could there be? In conclusion, the hon. and

learned Gentleman said, that he would resist anything in the shape of tithes being levied upon the Catholic population of Ireland.

Sir *H. Hardinge* begged the hon. and learned Gentleman not to suppose that it was from any disrespect to him, that he declined entering into a discussion upon the subject. Ample opportunity would be afforded hereafter of considering the whole question; and as the army Estimates were appointed for this evening, he thought it would be imprudent in him to delay them by offering observations upon another matter. One remark, however, he would make in reply to the hon. and learned Gentleman's allusion to the Protestant clergy, and their desire to make use of the military in the collection of tithes. He could assure the House, that he had received a great number of letters from Protestant clergymen, in which they expressed their deep and conscientious repugnance to levying their tithes by military force, and declared, that they had rather remain in their present poverty and misery than resort to violent measures.

Mr. *Divett*, as an English Member, protested against the 1,000,000*l.* alluded to being taken out of the pockets of the English people, which it would appear was intended to be effected by means of a coalition between certain parties of English and Irish Members. He thought, that this sum ought to be paid out of the property of the Established Church.

Sir *Samuel Whalley* also protested against the 1,000,000*l.* being paid out of the pockets of the English people, and suggested to the right hon. Baronet, the Chancellor of the Exchequer, that the Bill might be brought in without the money clauses in the first instance, while these clauses might, at the same time, be printed and laid before the House, so that both together might be actually under their contemplation.

Mr. *Sheil* thought it quite impossible that the arrear of tithe ever could be raised; and that the entire 1,000,000*l.* should be given up. When hon. Members complained of this sacrifice of 1,000,000*l.* to Ireland, he begged to remind them of the great sums which had been expended in the advantages derivable from which Ireland had no share, as, for example, in the 1,500,000*l.* granted for building churches in England, the sum granted for the Caledonian Canal, and for the works in the

Canadas. He declared that, without the appropriation, Ministers must fail—without it they never could tranquillize the country.

The *Chancellor of the Exchequer* hoped the House would not prejudge the question of appropriation, and deprecated the present discussion as highly inconvenient. The hon. and learned Gentleman had stated some instances in which public grants of money had been made without Ireland's participating in the benefit; but there were several others which he might also have cited. For instance, 250,000*l.* had been appropriated for the purpose of dealing with church-rates in England; but as church-rates had been already abolished in Ireland, it was quite clear that country could not, under any circumstances, derive advantage from the expenditure. Many votes, too, might be proposed for the relief of the landed interest, from which Ireland would have no benefit. He, therefore, put it to them, that it would be unfair to prejudice the question by premature discussion, or to raise objections to the relieving Irish agriculture.

Mr. *Barron* remarked, that the changes which had taken place in the opinions and conduct of hon. Gentlemen on the Ministerial Benches were wonderful in the extreme. He found, in a publication called the *Mirror of Parliament*, a fatal objection to the Bill. He had therein read expressions of the right hon. Baronet in the last year which were totally in opposition to the measure. In a speech of the right hon. Baronet, delivered on the 30th of July, 1834, it was stated, that the House ought not to accede to the Motion until it was perfectly satisfied Government had vindicated the law by showing that the collection could be made; and the right hon. Baronet asked, until this was done, was it just to force the collection on the landlords of Ireland? Now he (Mr. Barron) asked the right hon. Baronet and the gallant officer, if the law had been vindicated in Ireland? Had they been able to vindicate the law, and to enforce the collection? The very circumstance of their now proposing the resolution proved that they had not. The very foundation of it was, that they placed the collection on the landlord. And this they did notwithstanding the deliberate and distinct declaration of the right hon. Baronet. But there was also another charge, and that was on the part of the right hon. and

learned Gentleman (Mr. Shaw) who sat immediately behind the right hon. Baronet. On the same occasion that right hon. Judge had declared, "All I maintain is, that, unless the authority of the law be restored by the collection of tithes, the necessity for which has been so strongly stated by the right hon. Secretary for Ireland, the landlords will not, and cannot, in justice, be forced to take this payment on themselves." But now observe how great a change of opinion had come upon the right hon. and learned Gentleman with his change of place. He now supported this measure, although he had before spoken against one which was acknowledged to be in its principle quite similar. The truth was, that the right hon. Gentleman and his party had rejected the former Bill—that was to say, had rejected it through the agency of their friends in the House of Lords, though it was a measure which would have satisfied the people of Ireland; and now they came forward to ask the people of Ireland to pay 1,000,000*l.* for that rejection. He maintained that the people would have been satisfied with that measure, coming, as it did, from a paternal Government—a Government in which they could have confidence. He was convinced the people of Ireland would have paid their tithes if that measure had been suffered to pass. And he contended that the persons who had rejected the Bill were answerable for the massacre at Rathcormac and all the other bloody scenes which had recently occurred in Ireland. Yes, he would repeat, that these frightful atrocities, these revolting massacres, had been the result of that heedless, that factious opposition which had been offered to that measure. Never, he said, had there been exhibited by public men such a base dereliction of duty and proper feeling as had been displayed by the present Government—such a vile factious course of proceeding; and it was an insult to the understanding of the people of Ireland to invite them to place confidence in such an Administration. It was, he repeated, an insult to an intelligent body of men to ask them to place confidence in any portion of the association upon the Treasury Benches. They had adopted the measures of the late Government—the Dissenters' Marriage Bill, this very Tithe Bill, and were now endeavouring to pass them off as their own. This very Bill was taken from the late Govern-

ment, and yet the right hon. Baronet and the gallant Secretary had the modesty to claim credit for it as their peculiar work. Well might the late Administration say to them, while they thus robbed them of their honours—

"Hos ego versiculos feci, tulit alter honores !

"Sic vos non vobis nificatis aves !"

The Members of the Government had, in fact, abandoned every principle they had ever professed. They had been guilty of a dereliction of every duty. There was only one way of possibly accounting for their having thus abandoned every principle, and that was their base desire of holding office—their sordid anxiety for lucre.

Mr. Shaw said, that, having been alluded to by the hon. Gentleman as a person who had forfeited principles for place, he begged to observe, that he was not aware of any elevation to place which had attended his removal from the opposite side of the House to that on which he then sat, nor had he deserted any principle which he had formerly professed. On the subject to which the hon. Member had particularly alluded, his opinions had not suffered the slightest change; and, with great respect to that hon. Gentleman, he must be allowed to say, that he (Mr. Barron) did not seem to know anything at all about the measure on which he had been speaking so energetically. He had been evidently confounding in his mind the first Tithe Bill of the late Administration with their second Tithe Bill; and obviously he was equally ignorant of the principles and details of both, as he was of those of the present measure. The present Bill was like the first Bill, with a slight difference, which went in favour of the occupying tenant, and was against the landlord. It was not similar to—it was extremely unlike—the second Bill, which was the Bill in the hon. Gentleman's mind, and that to which he had alluded. And as for himself, he (Mr. Shaw) had repeated essentially the observations this year which he had made before. He had re-stated in the substance what he had said about throwing the payment on the landlord, but did not think that he should be justified in opposing the Bill, in consequence of feeling the objection to particular provisions of it which he entertained.

Sir Henry Hardinge, who spoke amidst much noise and confusion, was understood to say, that, after the very coarse invective

on himself and his right hon. Friend, and the other Members of the Government, in which the hon. Member opposite had been pleased to indulge, perhaps he might be permitted to say a few words. The hon. Member had imputed base motives to them. He had accused them of abandoning every principle for the base desire of holding office. And he thought they would not be justified at present in sitting down silently under such an imputation, although it might be supposed they could well suffer to pass unnoticed accusations preferred against them in such a strain of vulgar insolence. [*Cries of "Chair!" and "Order!"*] Sir Henry Hardinge made some further observations, which could not be heard from the noise in the House, and then resumed his seat.

Mr. Barron said, that if the gallant Officer alluded to him, he treated his observations with the utmost contempt. He threw back the gallant officer's imputation with scorn.

Lord John Russell rose to order. He said, that the hon. Member (Mr. Barron) had alluded only to the political conduct of the right hon. Gentlemen opposite, and could not have intended to offer them any personal offence. He suggested that the hon. Gentleman should explain.

Sir Henry Hardinge: I am at all times, Sir, ready to give the House any explanation in my power, when it appears to me that they require it. I have, therefore, no hesitation in saying, that when I was charged with bringing forward a measure merely through a base love of holding office, and when it was stated that, in introducing that measure, I acted upon different principles from those which guided me on former occasions, I say I should be unworthy of standing in the position in which I have the honour to be placed, or, indeed, of any position in this House, if I did not meet the invective which was pronounced against me by declaring it to be most unfounded and untrue. I might have used, perhaps, a word different from "untrue." At the same time, when such motives are attributed to me, as one of his Majesty's Ministers, I feel it incumbent on me to repel the insinuation with indignation.

Mr. Barron arose amid renewed cries of "order, order!" and said with much vehemence, "I can only say, that I believe in my conscience what I have said to be true."

The Speaker said, that freedom of debate was never more secure than when the discussion of the debates in this House were conducted with temper and decorum, and, was never in greater danger than when hon. Members permitted themselves to use expressions which they might have reason afterwards to repent. From the course which the discussion had taken he regretted, he took blame to himself, for not having interfered sooner, and called the hon. Member to order at the moment, for using expressions that a gentleman ought not to have used. But he was fearful of giving more importance to the matter by interfering, than it, perhaps, deserved. He now felt bound to say, that any Member, who said, that any man acted basely, or from base motives, used an expression which he ought not to have used, and that hon. Member should recollect that, in doing so, he offended not only against the individual Member whom he so improperly assailed, but also committed a grave offence against the House. He was sure, that hon. Member, having so offended, would discharge his duty by apologizing for the offensive expressions he had used.

Mr. Barron: So far as the House is concerned, I have no hesitation in giving the fullest apology. With respect to the expression which I made use of, I can only say, that I never spoke of individuals; but if any individual thought fit to take it to himself, I have no apology to offer.

Mr. Goring: On the part of my constituents, I have no hesitation in saying, that the political conduct of the hon. Gentlemen opposite (on the Treasury bench) exhibits a gross dereliction of principle, and is disreputable and dishonourable. [*Cries of "Order, order!" and cheers.*]

The Speaker was understood to require a more ample and satisfactory apology from the hon. Gentleman.

Mr. Barron said, that conceiving that the honour of every Member was best placed in the hands of the Speaker, he would, under his directions, retract the expressions he had used, and apologize for having used them.

Sir Henry Hardinge said, that conceiving the explanation of the hon. Member to be satisfactory, understanding that it was meant to be perfectly satisfactory, he would at once express his regret at his warmth of his expressions.

Colonel *Evans* said, that divesting what had been said by the hon. Member (Mr. Barion) of all offence and all personality, he would not shrink from declaring that he entirely concurred in the opinion of the present Government, which was held by that hon. Member. He had no disposition to use any expression which could be personally offensive, but as he had taken opportunities of adverting to the public political conduct of his Majesty's present Ministry, on the hustings and elsewhere, and as what occurred here might lead to a conclusion out of doors that they (the Opposition Members) shrunk in the House from expressions used there and elsewhere, and as he found that a kind of bravado was used on the other side, he felt it necessary to avow there, and to repeat, if necessary, all that he had said elsewhere, as to the public conduct of the Members of his Majesty's Government, and, he must say, that the right hon. and gallant Officer (Sir Henry Hardinge) had more than once taken the course of endeavouring to intimidate, to which he had just referred. There, for instance, was the case of Lord Londonderry's mission, which was before the House the other evening, and when not one word was said against that noble Lord, that could by implication be considered personally offensive, the right hon. and gallant Officer stated, that if anything had been said against that noble Lord, he should have felt it his duty to notice it, and this, too, when it could not be supposed that the right hon. and gallant Officer was excited by the heat of debate, for it was after the debate on that subject was over, and when the right hon. and gallant Officer was quite cool.

An *Hon. Member* rose to order. He would appeal to the Chair, and ask whether the course which the hon. and gallant Officer was pursuing, had anything whatever to do with the subject of debate before the House.

Mr. *Williams Wynn* wished to say, as an appeal to the "order" of the House had been made, that it was decidedly contrary to the first order of the House to refer to words used in a former debate. He would contend, that if words spoken in debate were to be referred to, they must be questioned on the night they were used; but if not on that night, it could not be questioned after, and he would appeal to the right hon. Gentleman in the Chair if this were not so.

The *Speaker* said, that the rule, as laid down by the right hon. Gentleman, was in strict conformity with the rules of the House, and he anxiously wished that the practice of the House was in strict conformity with that rule; but it was well known that it was the common practice of the House to refer to previous debates, and to opinions delivered in them. This was the practice; but if particular words of former debates were referred to, it would not be regular.

Colonel *Evans* said, that the reference to previous debates, was a matter of daily occurrence. He would not go out of his way, or refer to any other subject. He referred to a case in point, which occurred a few days ago. On that occasion, the right hon. and gallant Officer did refer to what took place in a previous debate, and was allowed to do so without interruption, by those hon. Members opposite, who were now so loud in calling "order." Those assertors of Reform on the other (the Ministerial) side, had said, that if any one had said anything against the character of Lord Londonderry, they would have felt it necessary to notice it. ["Order!"]

Sir Henry Hardinge rose to explain. [*Cries of "Order."*]

The *Speaker* said, that the proper time for explanation for one hon. Member was, when the Member addressing the House, had concluded. He must now say, that the House had completely lost sight of the question before them, and he put it to the good sense of hon. Members, whether they ought not to return to that question.

Colonel *Evans* was at a loss to know the cause of the interruption he had experienced. He had risen to explain, and looking to the transactions of the last two or three days, he would say, that it behoved those who looked to their characters, and who were in the habit of expressing themselves as to the conduct of public men, not to shrink from an avowal of those opinions, and so far from accusing hon. Members at his, (the Opposition) side of the House, of irregularity, in referring to their public conduct, he thought that Ministers ought to thank them for their forbearance. He thought the conduct of the right hon. Gentlemen opposite (Sir Robert Peel and Sir Henry Hardinge) was most extraordinary, for he would assert that their conduct as public men, exhibited a most flagitious instance of dereliction of public principle. He should be glad to

know to what party the right hon. Baronet and some of his Friends could appeal for support, if they looked back to the transactions of the last seven or eight years? Was it of that party which sat immediately behind him, that the right hon. Baronet could ask for confidence? Was it of those who had resisted all the claims of the Dissenters, that he sought for this confidence and support? Why, he (Colonel Evans) would ask, had not the right hon. Baronet gone out of the House in disgust because he was beaten on the Motion respecting the Dissenters, and did he not come back again in a few days and consent to the Repeal of the Test and Corporation Acts? Had not the House seen him in August last voting against the very Bill on (Irish tithes) which he now made his own? He did not know to what section of any party the right hon. Baronet and his Friends could look for support. There might, perhaps, be the expediency men, those who turned round, and who were ready to deal with any, and every question, on the principle of expediency, not of course for the sake of office, it would be personally offensive to entertain such a notion, but there were some hon. Members who came over to particular questions on the ground of expediency. He thought it a deplorable circumstance, that the country should have confidence in the present Government. But their days were now numbered. The country had seen their *modicum* of Reform; and what was it? They proposed first some change as to the marriage of Dissenters, but good sense should have conceded this long before. Did that, however, touch upon the emoluments of the high Church party? What else were these proposed Reforms? They were nothing. He would not trespass further on the time of the House. He would repeat, that with the exception of two or three expressions unguardedly used, there was nothing said on that (the Opposition) side of the House, from the avowal of which they were disposed to shrink. On the contrary, they were prepared to assert, that his Majesty's present Ministers had taken office on grounds discreditable to, and destructive of, public character.

Sir Henry Hardinge rose to explain. The hon. and gallant Officer had assumed what he supposed him to have said with respect to Lord Londonderry. Now, what he had said, was, that if any expressions

had been thrown out against the honour of his noble Friend, he should have felt it his duty to vindicate him. Those, as nearly as he recollected, were the words he used, and he would put it to the House whether, from his near connexion with that noble Lord, and his long association with him in his military career, he was not bound to vindicate the honour of his noble Friend, if it had been attacked; and he was sure the hon. and gallant Officer, from his own high sense of honour, would be the last to object to such a course. The hon. and gallant Officer accused him of dereliction of public principle. He did not object to the use of those words on public grounds. No doubt, that was the hon. and gallant Officer's opinion, but if the hon. and gallant Officer attached any base or personal motives to the course he had pursued, he should then feel it his duty to resent it.

Colonel Evans: The right hon. and gallant Officer had said, that the words he used on the occasion referred to, were, that if the honour of his noble Friend had been attacked, he should have felt it his duty to vindicate it. He (Colonel Evans) was sitting down in the House at the time, and he owned that the words, as they struck his ear, were not like those which the right hon. and gallant Officer said he had used; but having said, that the right hon. and gallant Officer had used them, he could not doubt that they were the exact words; but as to the rest of the right hon. and gallant Officer's remarks, he must protest against the course which the right hon. Gentleman had taken. He had not attributed any personal or unworthy motives to the right hon. and gallant Officer, and yet the right hon. and gallant Officer said, that "if he had, he would have resented it." Every one who knew the high character of the right hon. and gallant Officer, could have no doubt of his personal valour, but he could assure him, that the disposition to which he alluded, afforded no proof of it.

Sir Henry Hardinge asked, whether his previous conduct had shown any disposition to repel charges not made? What he had said, was, that he would understand charges in a political sense when so made, but that he would notice only those which personally attributed unworthy motives to him in his public conduct. The hon. and gallant Officer (Colonel Evans), had himself too high a sense of

honour to make any charge of the kind, unless he could prove it, or not to repel it if made against him.

Sir *Edward Knatchbull* begged, after the attack which had been made on his Majesty's Ministers, to call the attention of the House to the state of the debate. He was sure that he spoke the sense of a large majority of the House, when he said, that the interposition which had been most properly made by the Chair, ought to have put an end to the discussion, and brought the House back to the actual question before it. They (the Government) had no disposition to make hostile charges; and he hoped that those which had been made, would not be carried further. They were before the House with the measures which they had introduced, and they wished to carry on the business of the country; but if it was impeded, the fault would not rest with them. He knew the disposition of a large number of the Gentlemen opposite towards the Government; but he also knew the firm position which they (the Ministers) occupied in the confidence of the House, and the still more firm position which they occupied in the confidence of the country, and by those they were prepared to abide.

An *Hon. Member* said that, he took some of the observations of the hon. and gallant Member for Westminster to apply to him. That hon. and gallant Member, and others at his side of the House, had spoken of the inconsistency of Members at his (the Ministerial) side; and one ground of that charge was the different votes given with respect to "appropriation:" but hon. Gentlemen opposite, if they carried their memories back, would find that many of them were more inconsistent than his Majesty's Ministers could possibly be. Did hon. Members forget what had been said by a right hon. Gentleman who had been a Member of the late Government? On the discussion of the Catholic Question, the hon. and learned Member for Southwark, then the Member for Colchester (Mr. Harvey)—and having mentioned that hon. Member's name, he felt it due to him and due to himself to take the opportunity, which he gladly embraced, of doing him justice. [A Member; the hon. Member for Southwark is not present.]

The *Hon. Member* said, that he would take another opportunity of doing the hon. and learned Member for Southwark justice. But to proceed: when the Ca-

tholic Question was under discussion, the hon. and learned Member for Southwark said that he looked not to the immediate consequences of the passing of that measure, he looked to its remote consequences, he looked forward to the time when they might reach the overgrown revenues of the Church. Well, how was that received? How had it been met by the right hon. Gentleman now the Member for Cambridge (Mr. S. Rice)? That right hon. Gentleman had said that, if he thought the passing of the Catholic question could have the effect of touching one shilling of the revenues of the Church, he would be one of the first to oppose it. Why, after this, he thought the right hon. Gentleman would consent to die in the last ditch rather than consent to any appropriation of the Church revenues.

The *Chancellor of the Exchequer*: After the course which this debate has taken, notwithstanding, at a previous period of the evening, questions were put to me to which I gave answers, not expecting that any discussion would ensue, but taking it for granted, that we should come to an early decision on the subject, and that the public and political conduct of Government would not be called in question, the House will probably not insist on the rigid rule of order, and preclude me, because I then spoke, from making a few observations on what has fallen from the hon. and gallant Member for Westminster. I understood the hon. and gallant Member in the latter part of his speech to declare, that while he asserted his right to condemn in as strong terms as he pleased, the public conduct of Ministers, he by no means intended to indulge in any personal or offensive allusions to them. Now, Sir, although I think, that if in the heat of debate, expressions should be used reflecting on the honour of any individual Member, it is highly proper, for the satisfaction of the persons using such expressions, as well as for the satisfaction of the persons towards whom they are used, and for the satisfaction of the House, that an opportunity should be given for disclaiming all intention of offence. I, at the same time, fully admit the right of any Member of this House to question, to the fullest extent, the conduct of Members of his Majesty's Government as public men. I now speak, then, with reference to the construction which I believe the hon. and gallant Member put

upon his own words. I am sure that he would not—his character is too well established—go as close to the wind as possible for the purpose of indirectly conveying a personal imputation. I therefore do the hon. and gallant Officer the justice of believing that, strong as his expressions were, they were directed against the public, and not against the personal character of those whom he assailed. Having stated this, I come to the point. It is certainly of great importance to a public man to have an opportunity of vindicating with calmness the course which his sense of public duty has prescribed to him. I do confidently assert, then, that I do not think that the charges which the hon. and gallant Officer has brought against me as a public man, have the slightest shadow of foundation. Whether or not I undertook to discharge the duties of the office which I have the honour to hold from motives of ambition, from the love of power, or for the sake of anything that power can give, is a question which I will leave entirely untouched—it is a question which the House will decide as it may think fit. But I come to that much more important question, whether if, in the course which I have taken while I have been engaged in the discharge of those duties, I have done anything that should justly subject me to the charges which the hon. and gallant Officer has advanced against me? But, first, I will advert to some of the observations which were made by the hon. Member for Waterford. That hon. Member referred to certain expressions which he said, I used last year, indicating my opinion of the danger and inexpediency of applying to the public purse to solve difficulties in the administration of Government. Sir, I did use those expressions. For I felt, when it was first proposed to advance a million to the Protestant clergy of Ireland, that there was no probability that the money would ever be returned. The hon. Member for Waterford says, that I advised the advance of that million. That was not the case. I advised the enforcing of the law. The enforcing of the law has been tried; and it has been found impracticable to collect the tithes. Under such circumstances, does the hon. Member for Waterford think it inconsistent with our public duty to advise the giving up of the million, rather than the adoption of a course which would involve the certainty of many scenes

such as that which recently occurred. I did not advise the advance, because I thought it would never be repaid. The advance was made; and now, when I find that it cannot be repaid, what shadow of inconsistency is there in my advising that the demand for the repayment should be remitted. I now come to the hon. and gallant Member for Westminster. He says, our days are numbered. He says, that we have given so little satisfaction to the country, that we have shown so little a modicum of Reform, that public opinion must declare against us. Now, how does the hon. and gallant Officer reconcile this with his other charge, that we have adopted all the principles of our predecessors?

Colonel *Evans* said, that he had never charged this Government with adopting every principle of the preceding Government; quite the reverse. He had never thought that the Dissenters' Bill, even when brought in by the late Government, was a measure of Reform for which they could claim any great merit.

The *Chancellor of the Exchequer*: The charge, then, of the hon. and gallant Member against me, amounts to this:—"The right hon. Baronet always opposed the great measures of his predecessors, and he does so still." It is a strange way of charging me with inconsistency, to say, that I am pursuing the same course in office that I did when in opposition. "You oppose the liberal measures of your predecessors, you have brought in my modicum of Reform," says the hon. and gallant Member, "and the country therefore rejects you; your measures and politics are not sufficiently liberal for the spirit of the age, and your hours are numbered." This may be a perfectly good accusation; but how is it consistent with that other, earnestly insisted upon, that, for the sake of place, I have adopted the principles of my predecessors; that I have submitted extensive Reforms to the House, for the purpose of retaining the emoluments or distinctions of office? So much for the general principles of the Government. Now with respect to this particular measure, regarding tithes in Ireland. I have heard charges made against me with respect to the course I have pursued on the question of commutation of tithes in Ireland, which can only be founded in utter ignorance—for I should rather attribute them to ignorance, than intentional misrepresentation—of

what my conduct really has been on that question. How stand the facts? A Bill was brought into this House at an early period of last Session, by the late Government, providing for the arrangement of the Tithe Question. That Bill imposed, in the first instance, a land-tax, which was to endure for five years, at the end of which period it was to be laid upon the landlord as a rent-charge: that rent-charge was redeemable, and the redemption money was to be invested in land. The amount, the payment of which by that Bill was imposed upon the landlord, was, I believe, $77\frac{1}{2}$ per cent. of the tithe. That Bill I supported. The right hon. Gentleman, the late Secretary for Ireland, will acknowledge that he had support in the passing of that Bill. I come into power; I bring in a Bill in my turn for the settlement of the Irish Tithe Question; and what are its principles? It imposes the payment of 75 per cent. upon the landlord immediately; it provides for the redemption of the rent-charge so imposed; for the investment of the money thus realized in land; and that tithe-property shall be strictly reserved for Ecclesiastical purposes. Now, I ask, whether it be possible, in the vicissitudes to which human affairs are subject, to suppose a case of less inconsistency, than my supporting the first measure I have described, and originating the second? The hon. Gentleman may object to me if he pleases, that I do not consent to devote Ecclesiastical property to secular purposes; that I place a rent-charge upon landlords, and other things; but if he looks to the Bill brought in by the late Government, to the principle of which I did not object, I defy him to show that there is any inconsistency in my submitting the present measure to Parliament. But throughout the whole of this discussion, the original Bill brought in by the late Government, has been confounded with the measure which subsequently received the assent of this House. It may be said that I opposed the latter; some hon. Gentlemen may suppose that I was a party to some organized plan in the House of Lords to throw it out. Sir, the House of Lords determined on their own course, and I was no party to any combination in that House. I saw the Bill modified by the hon. and learned Member for Dublin; I saw the Government oppose his modifications, but he was successful in making

them, and the Government afterwards permitted it to pass. What was the language I then held? I place full confidence in the declarations made of absence of intention to give me personal offence, but the charges against my political character are serious, and it is politically that I propose to select them. On the 30th of July, the day referred to by the hon. Member for Waterford, I said that "I felt great objection to ever attempting to decide upon such an important question at that extremely late period of the Session. It cannot be denied that the goodwill of the landlords is most essential, and unless the Legislature have their goodwill, it will be impossible to make the alteration a benefit. For the change to be efficacious, too, the provision must be compulsory; and then comes the question, how can we, with justice or with propriety, impose such a responsibility on the landlord, without giving him any notice of our intentions? I do not believe that there are at present a sufficient number of Irish landlords in the metropolis to form a fair representation of the general feeling of that body. I throw out these remarks merely as suggestions; but if the proposition be resolved upon, something must, in justice to the landlords, be done by Government, with reference to the arrears. There has now been two years of intermission in the collection of tithes in Ireland; and, however the question may now be shrunk from, the time must come when the law must be vindicated." A little lower down comes the sentence referred to by the hon. Member. I then said, "I decidedly think that it is for the benefit of all parties concerned, that the landlord should take upon himself the payment of tithe, to the release of the occupying tenant; but I would also take good care to encourage, as much as possible, the principle of redemption. That appears to me the just, and best, or only way, of really settling the question. I do not think, however, after the Session we have had, we can hope to consider, with any good effect, a Bill for such an object, in the month of August. At present, the vindication of the law ought to be the first object, and when we have taught persons, who have refused a legal payment, that the law is paramount, then we may well call upon the landlord to take the post which would at once be beneficial to the community and himself. At the same

time, I must say, that I despair of the question being settled satisfactorily, by any scheme in which redemption is not included; and still more do I despair of being able to come to any settlement of the question, while the great majority of Irish landlords are out of town." These were the expressions I made use of, not objecting to the original Bill, but to the principle of the Bill, as modified by the hon. and learned Member for Dublin. Now, I appeal to the hon. and gallant Gentleman, to say, whether, in submitting to Parliament a measure I like, that forms a valid ground for charging me with inconsistency. So much for the question of tithe. With respect to the other measures—but really, Sir, I do not think I ought now to trouble the House with any detail respecting other measures. I shall reserve what I have to say in my defence respecting them, when they come before us. I will only at present observe, with respect to the Dissenters' Marriage Bill, that I did not object to the principle of the Bill brought forward by the noble Lord, the Member for Devon. Its principle I therefore adopted; but was it not my duty, as a Minister of the Crown, to attempt to make the Bill as satisfactory in its details as I could, consulting the feelings of the Dissenters, as far as was consistent with the interests of the Church. I ask hon. Gentlemen not to deal in vague general charges, but to tell me what is the particular measure which I, as a Member of the Government, have introduced, or have given notice of my intention to bring in, that is inconsistent with the course I have pursued since the meeting of the Reformed Parliament. But, Sir, I do not think myself—being the responsible Minister of the Crown—bound to look out for every speech I have made, in order to accommodate my course to those speeches, and relieve myself from the charge of inconsistency. Having undertaken the task, I feel it to be a public duty to look to the circumstances of the country, and abandon all minor personal considerations, in considering the measures necessary to meet those circumstances. But rather than listen to vague charges of inconsistency, and dereliction of principle, I should like to hear some specific measure stated, which justifies the charges brought against me. I am conscious that in the task I have undertaken, I am not acting with the view of gratifying personal ambition,

or from any desire for the advantages or emoluments of office. I did not seek the office I hold, by any factious attempts to thwart the late Government. I did not enter into an alliance with those who entertained the extreme opinion of the side of the House on which I sat. I am stating merely a fact with respect to myself, and mean no insidious reflection on any man, for I can appeal to those who are now my political opponents, for the truth of what I say, that I did not attempt to gain power, or thwart their proceedings, by factious combinations with men, whose opinions went beyond mine. Opportunities for so doing, did present themselves, but I never took advantage of them. Looking to the circumstances which accompanied my taking office, I was determined, feeling it my duty to accept it, and having accepted it, to make every constitutional effort for maintaining myself in it, and I shall continue to do so, in spite of the charges of inconsistency which may be brought against me. Sir, I rely upon the purity of my own motives. I shall attempt to shape my course upon principles which will be likely to give most satisfaction to the country; but I never will consent to hold office one hour beyond the period when I think I can hold it consistently with the interests of the Crown, and with the honour of a public man.

Mr. *Barron* begged to say one word in explanation. The right hon. Baronet had misrepresented what he had said. He stated that the principle of the measure now before the House was, to place the burden of the tithes on the landlord. He then quoted the words employed by the right hon. Baronet last year, and showed that the circumstances of Ireland were in no way changed, except in the opposition to tithes having become greater, since the right hon. Baronet made his observations upon the very principle which was now at stake before the House—viz., that it was impossible, in the language of the right hon. Baronet, to fix the payment of tithes upon the landlord until the law had been vindicated. That the right hon. Baronet had not explained, but, with his usual dexterity, he had wandered into a variety of matters unconnected with the charge.

The *Chancellor of the Exchequer*: Rathcormac had not then occurred.

Mr. *Barron*: No; and that only proves that it is as bad to place the burden upon the landlord now as it was then.

Colonel *Evans* said, he was bound to acknowledge that the right hon. Baronet had well defended himself from the charge of inconsistency on this particular measure, which he, (Colonel *Evans*) never looked upon as a very great reform; but the right hon. Baronet had only succeeded by throwing overboard all his colleagues and supporters.

Sir *Henry Hardinge* was understood, amidst loud cries of "Order!" to say that that was not correct.

Mr. *Littleton* hoped his right hon. Friend (the Chancellor of the Exchequer) would give him credit when he said that no individual could be less prone than himself to impute to him motives of action not founded on principles of the highest honour. He had had the honour of being in some degree privately acquainted with the right hon. Baronet—for many years they had acted in each other's presence, and sometimes in concert, and he had never noticed any thing that could lead him to suppose the right hon. Baronet pursued any but the most honourable conduct; but he must take the liberty of reminding the right hon. Baronet of what he appeared on this occasion to have altogether forgotten, viz., that he had colleagues in the Cabinet. He knew, and so did all the world, the extreme caution with which, during the last Session of Parliament, his right hon. Friend expressed himself on most public questions; and upon none did he express himself with greater caution than upon the Irish tithe Question. But, nevertheless his right hon. Friend was undoubtedly associated with gentlemen in this and the other House of Parliament—the latter especially—the justification of whose consistency would be extremely difficult, and any attempt at which the House would not, he was certain, hear from his right hon. Friend. But to deal fairly and frankly with his right hon. Friend, he must tell him that his conduct with respect to this very Bill did not stand quite clear from the charge of inconsistency. Like the right hon. and learned Recorder, the Member for the University of Dublin, sitting behind him, his right hon. friend contended that the measure proposed by the present chief Secretary for Ireland resembled greatly, in its principal features, the Bill submitted to this House in February last. But the right hon. and learned Recorder added, and so, he believed, did the right hon. the Chancellor

of the Exchequer, that there was one feature in which this measure did not resemble that of last year, namely, the imposition of a rent-charge immediately. But was that the only feature in which it did not resemble the measure of last August, when the Bill assumed its final shape. The Perpetuity Fund, was that a feature of the first or of the last measure? Undoubtedly that of the last. He was not perfectly sure whether the right hon. Baronet objected to the introduction of that feature, but he believed that he objected to the application of that fund to the secular purposes to which it was undoubtedly to be open; and he was sure that the right hon. Recorder inveighed against the principle of secularizing Church property in terms the most severe that language could supply. Now how could he stand up as he did the other night to argue that there was no secularization in the Bill before them, because the money was to be paid to the clergyman in the first instance, whereas last Session it was to be paid first to the Treasury, and afterwards by the Treasury to the clergyman, as if the relief of the landlord was not the main object of both measures? Never was there a grosser inconsistency than that the right hon. and learned Recorder was guilty of in opposing the measure of last Session, and in now supporting the Bill presented to them by his Majesty's Government. His right hon. Friend, the Chancellor of the Exchequer, on this, as on other occasions, when speaking upon this subject, always alluded to the measure as it appeared in the month of August last, as the measure of the hon. and learned Member for Dublin. But he could not allow it to assume that character; not because he should be at all ashamed of adopting any measure suggested by that hon. Gentleman, if he believed its principles to be good; but because to give the Bill that character would not be consistent with the truth. He was aware that part of the alterations made in the Bill were suggested by the hon. and learned Member, in a speech he made in bringing forward a Motion on the night previous to those alterations being announced; but the hon. and learned Gentleman only echoed sentiments anteriorly expressed by other Irish Members. In fact, the alterations made in the Bill were the result of representations made by two large and numerous deputations of Irish Members, in which were included the prin-

cipal representatives of the landed interest in Ireland, and those immediately connected with the Government. Among them were Lords Clements and Acheson; and he might say, that if there were one individual more than another to whom credit was due, and he thought that credit was due to him, it was to the noble Lord the Member for Meath. The Bill was not accommodated to the wishes of the Hon. and learned Member for Dublin, any more than to those of thirty or forty other Irish Members. He did not wish to prolong the discussion on this subject; and would only add, that as it was his duty last year as chief Secretary for Ireland to bring forward the Government measure upon this subject, he should consider it a point of honour to stand by the representatives of the landowners of Ireland and endeavour to attain for them terms not less advantageous than those which would have been afforded them by the Bill of last year.

The *Chancellor of the Exchequer* said that, his right hon. Friend assumed him to have approved of the Bill of August last year; but he objected to it. He did not object to the Bill of February; and he would venture to say that if the Bill of February had been presented to the House of Lords, his impression was that it would have been passed. The Bill which his colleagues in the House of Lords rejected was the Bill of August last, which contained no redemption clause and admitted 40 per cent. [*Mr. Littleton*: You forget the Perpetuity Fund.] He would not enter into any explanation upon that point. All he wished to show at present was, that his colleagues in the House of Lords were acting last year in conformity with his own objections; but as he had already stated he did not join in any attempt to get up a party against the Bill in the Lords.

The resolution was read a second time, and agreed to.

ORANGE LODGES (IRELAND.] On the Motion, that the Order of the day for the House resolving itself into a Committee of Supply be read,

Mr. Finn rose to move, as an Amendment for a Select Committee, to inquire into the nature, character, extent, and tendency of Orange lodges, associations, or societies in Ireland, and to report their opinion thereon to the House, of which he had given notice. He did not anticipate that his motion would be opposed by

his Majesty's Government, though the Orange party, with Lord Roden at their head, aided and supported by many hon. Members of that House, arrogated to themselves in Ireland the exclusive loyalty, and the exclusive religion of that country. The time was come when, in this respect at least, something like equality should be established between these noble Lords and hon. Gentlemen, and the rest of their fellow-countrymen; but the intolerant spirit of the dominant party was manifested by the oath prescribed to be taken by them, and which he would read to the House. The oath was as follows:—I do solemnly and sincerely swear, of my own free will and accord, that I will, to the utmost of my power, support and defend the present King George the Third, his heirs and successors, so long as he and they shall support the Protestant ascendancy." The galling yoke, so long borne by the people of Ireland, could not, he felt assured, be long sustained, or supported by the honest and proud spirit of the English people. Of the evil effects of the system he could afford ample proofs, but he would first rely upon the opinion which had been expressed by a learned Judge (*Mr. Justice Fletcher*). That eminent individual had said—"I have found that those Orange lodges have produced the most mischievous effects in society: they have induced the magistrates to violate their duty—verdicts have been often given in direct opposition to the charge of the Judge." Such was the slavery to which the Roman Catholic portion of the community was reduced, and such was the cause. Justice was perverted, as it was difficult to get a jury, save of Orangemen; and yet this was the body whom the King (the common father of his people) had received in private with an address in the manner detailed in the *Dublin Evening Mail*. This was not the method by which to conciliate the feelings of the Irish people—rather tell them in the field of battle that the services of Catholics would be dispensed with—rather have sent them home from the field of Waterloo without claiming their valour—than thus brand them with inequality in the land which gave them birth. He had already said, that justice was perverted, and he put it to the House how it was possible that it could be otherwise, when juries, grand juries, and high sheriffs, were nearly entirely composed of Orangemen. Nay, even the Knight of

Kerry had declared that the Roman Catholics would consider it a mercy to be tried for offences alleged against them by courts-martial, rather than by juries and functionaries thus exclusively composed. The exclusive character of the Orangemen of Ireland was manifested by the grounds upon which the objection was raised to the late Government at the Downshire meeting recently—a meeting at which according to one account, 70,000 Orangemen, to another 35,000, and to a third account 25,000, had assembled. The objection was founded upon the general system of education in Ireland adopted by the late Government. An Orange lodge had been formed at Newry, and to connect it with Conservative politics it had been called the Adelaide Orange lodge. This was the language in which the formation of that lodge was publicly announced:—"Her gracious Majesty has been much blamed for supposed interference in great political matters. Whether or not she shall express herself highly gratified at the high honour which the High-street boys have conferred on her, by making her their patroness, we cannot presume to say. This, however, we can confidently assert, that she neither would fling dead cats and rubbish over the High-street Nunnery wall, nor annoy the ladies walking through the grounds by indecent expressions; nor, we are assured, would she have joined in the wrecking of the convent, or lent the weight of her little finger to the crow-bar which was used in attempting to force the gate." Such was the language used by these Orangemen. He would next refer to an opinion which Lord Chief Justice Bushe had given upon a case tried before him in the county of Down. An Orangeman had been indicted for a libel, which was brought home to him by the clearest evidence; and yet, though there could be no doubt as to the grossness of the libel, the jury instantly brought in a verdict of acquittal. What was the observation of the learned Judge? Nothing less than this—"That is your verdict, gentlemen of the jury, thank God it is not mine." In the county of Cavan an equal number of Orangemen and Catholics were indicted for being engaged in the same riot. An Orange jury was impannelled, and the result was, that the Orangemen were all acquitted, and that the Catholics were one and all convicted. The injustice of this verdict was so flagrant, that the learned personage who

tried the case, took the law, as it were, into his own hands, and obtained the pardon of the convicted Catholics. Now, could they, as men of common sense and fairness, expect that the Catholics would be contented so long as they saw that owing to these societies they could have no confidence in the administration of justice? He would next show the feelings of Orangemen by their own language, as published in their recognized organ, the *Dublin Evening Mail*. A Mr. Phillips at one of these Orange meetings said,—“We are now 3,000,000 of men, and our advanced guard is the Orangemen of Ireland. The Orangemen are a well organized body, comprising 160,000 men, every one of whom is ready and willing to die for his religion, for the principles of the constitution, and for his King, if he act up to the principles which he has sworn to maintain, and which were established at the glorious Revolution of 1688. Let those fight for their new-fangled constitution who will; but this I know, they will not be the Orangemen of Ireland.” So, that whether the Catholic Emancipation Bill, or the Reform Bill, or any other Bill, made what these exclusively loyal and religious gentlemen were pleased to call a new-fangled constitution, against that they were prepared to make their stand, and if upon such measures the King upon the Throne did not choose to act as their exclusively loyal and religious mightinesses deemed expedient, their loyalty was at an end, and their allegiance was to be dissolved for ever. These they were told, were the sentiments of 20,000 men in Armagh, and in these 20,000 men were to be found the grand jurors, the petty jurors, the magistrates, the high sheriff, almost all the persons who were engaged in the administration of justice, and could the House expect that the people of Ireland would appeal to tribunals over which such men had the power of exercising influence? He would next quote the language of Lord Mandeville to an Orange meeting in Downshire, where his arrival was said to be greeted by the simultaneous cheers of the whole assembly. These were the words of the report:—"Lord Mandeville next presented himself. A simultaneous burst of applause rent the air, the band at the same time striking up the air of the 'Protestant Boys.' His Lordship said:—'Gentlemen and Brothers,' [Not less than 20,000 persons

were present; almost all, to a man, were dressed with the insignia of the Orange institution. The equipages and housings of the horses of the gentlemen were decorated with Orange ribands.] ‘We are assembled here in order to show you the necessity of standing together, that we may be protected from recurrence of those scenes of outrage which have invariably been committed by Papists over Protestants whenever they possessed power over them. It is to ourselves, it is to the Orangemen of Ireland that we are indebted for being enabled to meet this day in the broad face of heaven; and if Protestants be not united together, we have nothing to hope for short of again hearing the tinkling of chapel bells, calling our enemies to another Sicilian vespers, commemorative of the occasion when Papists rose and massacred every Protestant they could lay their hands upon.’” Of whom was it that the noble Lord was speaking in this violent language of execration? Of 7,000,000 of his Catholic fellow-countrymen. Whose religion was it that he was denouncing in these terms of unmeasured scorn and bitterness? The religion of the greater part of Europe—the religion of our faithful allies in Austria—the religion of our rivals in arts and in arms in France—the religion of Spain, and Portugal, and Italy. Where the noble Lord had learned his religion, he (Mr. Finn) knew not; but in the language of Mr. Boyce he must say, “His (Lord Mandeville’s) religion is not my religion: his God is not our God.” His religion could not be the religion of the Gospel, for that was a religion of peace, good-will, and charity—a religion which bade us love and not hate one another—a religion, which sought to eradicate, and not to exasperate, the bad passions of human nature. He would not however, pursue this train of reflection further. He entertained a grateful recollection that the religion which the noble Lord professed, was the religion of Grattan, of Charlemont, of Fox, and of many other great and good men, who, through bad report and good report, had laboured to achieve the emancipation of their Catholic fellow-subjects; and with that recollection fresh in his mind, he would not suffer any observation to escape which could cast discredit upon that religion. He would, therefore, suppose that the noble Lord was labouring under some gross delusion—that he was speaking in utter

ignorance of the subject on which he was talking, when he gave a description as he had done of the religion professed by so large a portion of the people of Ireland. The man who charged the Catholics of Ireland, with such atrocious sentiments as the noble Lord supposed to reign in their hearts must be utterly ignorant of their religion and its tenets. Hon. Members had heard something about the poetry of Johnny M’Crea from his hon. and learned Friend, the Member for Tipperary. He would now proceed to give the House a specimen of the deliberate sentiments of that reverend personage, and, what was more important, a subscription of two hon. Members of that House in approbation of those sentiments. He would first point out to their notice the atrocious language used by this Johnny M’Crea, and he would then give them the words in which two hon. Members of that House had given in their subscription to it. It appeared that Johnny M’Crea was in the habit of preaching in Dublin; and that, on one occasion, he was defending himself from the imputation of having brought uncharitable charges against his religious opponents, or, as he himself styled it he was “defending the foundations of Protestantism against the unprovoked language by the Goliath of Gath, during his lecture in the chapel of Westland-row.” Speaking of the prophecies of scripture, and the analogies of history, he observed,—“If I live to the natural period of three score years and ten, I shall not be surprised to see a moral reaction, in which the Protestants of this country, roused to indignation, shall execute the fury of the Lord of Hosts upon their enemies. I am not dismayed because of the acknowledged beautiful edifices that superstition is raising in every quarter of the land. These stupendous and magnificent structures, are so many churches being built for us. I have preached in the pulpit at Perth, in which Knox uttered the memorable declaration, that to banish the crows we must pull down their nests. The recollection is a stimulus to the zeal of the humble person that now addresses you; and should the enemies of the Bible advance one step in the invasion of the territories of Christ, he is pledged to God and to the Church, with the blessing of the highest, to rouse a spirit that no power on earth or in hell can resist. If my interpretation of sacred prophecy is true,

Popery is the antitype of the 'abomination that maketh desolate.' Sin must therefore cease. 'Every Popish altar in Ireland must be broken down; every Popish temple in Ireland must be cleansed and consecrated, and every Popish priest must either hide his diminished head in obscurity, transport himself to the congenial soil of the Cherokee, become a preacher of the faith he now seeks to destroy, or fall a victim to the (perhaps) unrighteous indignation of a people, the blood of whose forefathers cries to Heaven for vengeance against the man of sin.' This man, he wished the House to remark, was the poet laureat and chaplain to the Orange Lodge in Dublin, and held, moreover, a high rank among the Conservatives. The Catholics were now building chapels out of their own pockets; and this reverend gentleman, acting as he supposed, in the spirit of Christian charity, told them that all their altars must be broken down, and all their temples cleansed and consecrated, or in plain English defiled and spoliated. It would perhaps surprise the House to hear, that he found this curious testimonial to the merits of Johnny M'Crea, in the *Evening Mail*. It was headed with the usual Orange motto—"No Surrender," and was couched in the following terms:—"Protestant testimonial to the reverend Mr. M'Crea. The untiring and successful labours of the reverend Mr. M'Crea on behalf of scriptural religion, and his magnanimous assertion of constitutional principles at the Royal Exchange, which defeated O'Connell and his confederates in the design to embarrass the King and his Ministers, have led the following persons to subscribe towards presenting the reverend gentleman with a service of plate, as a testimony of Protestant approbation and gratitude." Among the names of the subscribers to this testimonial were those of Captain Childers,—but he was loth to proceed; for it was one of the faults of these institutions that they drew into their vortex men of amiable temper and manners—men who, in their private capacities, were irreproachable, good husbands and good fathers, good landlords and kind masters. There was also another Member of Parliament, Mr. Cooper, 5*l*., Colonel Verner 5*l*.. He would not dwell on these topics. He had visited every country in Europe, but had seen none so miserable as Ireland, gifted though she was with all

the attributes to render her flourishing and happy. Was it not wretched that a country so blessed by the bountiful dispensations of Heaven should be so cursed by the blighting dissensions of man? He had spoken with the utmost frankness on this subject—he had no wish to give any man offence—it was more in sorrow than in anger that any expressions which might have given pain had fallen from him. If the House should determine to grant the Committee for which he was about to move, and that Committee should be empowered to inquire into this system, which extended, he believed, over three-fourths of the Protestant population of Ireland, he trusted, that the Committee would be constituted without any party bias. He implored the House to consider what would be the effect if the circumstances of the present case happened to be reversed,—if the Catholics had similar signs with the Protestants, if no Protestant were admitted a member of their secret societies, if every Protestant was denounced as an enemy? Would not the Protestants in that case naturally look upon every Catholic as their enemy? Under the present system the Catholics looked upon themselves as outcasts, and would be so looked upon by others, so long as it existed. But they were not the slaves of the ascendancy party, nor would they consent any longer to be considered in any other light than as their equals. He hoped, that a fair Committee would be appointed. For his own part, he would say, "let no Catholic nor Orangeman be on it." Before such a Committee let the Catholic have an opportunity of showing the mischief which emanates from these secret associations of Orangemen, and let the Orangeman if he could, show their beneficial results. The hon. Member concluded by again reading his Motion.

Mr. Henry Maxwell rose with great pleasure to second the Motion of the hon. Member for Kilkenny. He was himself an Orangeman, and proud of avowing it. Like the hon. Member, he prayed for the fullest inquiry, and hoped that the Committee to which such inquiry was intrusted, would be constituted in the most impartial manner. He concluded by expressing a hope that Government would have no objection to grant the proposed Committee.

Sir Henry Hardinge said, that as the discussion on these Orange Associations had been so frequent during the present

Session, and as there appeared to be an universal, or, at any rate, a common desire on both sides of the House, to investigate into their nature, constitution, and tendency, he would, without answering a single objection propounded by the hon. Member for Kilkenny, state that it was the intention of Government to assent to his proposition. Under such circumstances, the House would feel that all discussion on the subject was premature, and ought to be deprecated. The only point on which he thought that it was necessary for them to come to an understanding that evening was, the appointment of a Committee. He thought that it would be advisable to exclude from it all party men on either side. As that appeared to be the desire of the hon. Member for Kilkenny, he would accede to his proposition, and would express a hope, that the Committee would be so appointed as to conduct its labours and investigations with perfect impartiality.

Mr. *Henry Grattan* objected to the terms in which Mr. Finn had couched his Motion, and complained that it did not go far enough, inasmuch as it did not give the Committee power to inquire into the tendency of the Orange Associations to frustrate the administration of justice in Ireland. The House had already appointed Committees to inquire into the state of society in Ireland. Those Committees had instituted long examinations, and made voluminous Reports; and, as the right hon. Secretary well knew, nothing had been done upon those Reports. This, as it had occurred before, might occur again. The House would perhaps excuse him, if, with that circumstance in his recollection, he now mentioned a number of cases which had happened within his own knowledge, in which the due course of justice had been frustrated by the influence of these Associations. He would commence by referring to what had recently taken place in his own county of Meath. It appeared that the son of an individual who had been recently promoted to the Lord-lieutenancy of that county, had been guilty of the conduct which he was now about to describe. A number of Orangemen, linked arm-in-arm together, and wearing their usual insignia, passed by a Magistrate of that county, as he was going to Church. Not knowing them, he asked where they were going; but he received no

satisfactory answer. It turned out that they were persons in the pay of Randal Plunkett, who, by his desire, were going to form part of an Orange procession. They were armed themselves, and were headed by a Protestant clergyman, who held a pistol in his hand. In the course of the day they drew their pistols more than once upon the inhabitants of the district through which they passed. Five of them afterwards went to a village in the county of Meath. Whilst there, a quarrel ensued between them and some of the villagers, and blood was shed. The men were put on their trial in consequence. The man whom they had assailed was a Roman Catholic, and it was put to the High Sheriff how the affair could be settled. He believed that the right hon. Secretary would bear him out when he said that the Attorney-General (Mr. Blackburne) had not ordered any Crown prosecution in the case of the murder of the man Henry. The matter, however, was settled in this manner: they got a jury empanelled to try the indictment, consisting of six Catholics and six Protestants. This was to all outward appearance fair enough—but what was the result? The jury could not agree, and if any man had shown him the names of those jurors before they were empanelled, he would have ventured to predict from his own knowledge of their habits and characters, that they would not agree. They did not agree, and by this proceeding the due execution of justice was frustrated. When the officers of the law interfered in this manner in Ireland with criminal proceedings, and when they attended Orange meetings, at which toasts of the most exasperating description were drunk with enthusiasm, it was impossible that the minds of the people of Ireland should not be filled with strong doubts that justice would not be done to them, whenever they had any dispute with any member of an Orange Association. In four counties in Ireland, Cavan, Antrim, Armagh, and Tyrone, there had been large Orange meetings, and in all and each of them the High Sheriff had been called to the chair. In Cavan and Antrim two of the toasts had been, “The glorious, pious, and immortal memory,” and “The Protestant ascendancy in Church and State.” He believed that in both places the parties who assembled were staunch friends of the right hon. Baronet opposite, for the re-

ports stated that "The health of Sir Robert Peel was drunk amid thunders of applause." In the county of Armagh they drank, with similar honours, "The health of Lord Roden and the Orange Lodges." In the county of Tyrone they went further. One of the toasts was, "The man who would not barter his principles for emolument—Lord Farnham." Another toast was, "Colonel Verner and the Orangemen." A third, "May Protestantism flourish all over the earth, until not a vestige of Popery is left in the creation." A fourth was, "The Pope in the pillory, the pillory in hell, and the Devil pelting him with priests." The last toast was rather out of date in the present times: it was, "May those who say their prayers on their beads, never make laws for Protestants." This toast was said to have been received with loud cheers." Those sentiments and toasts proceeded from persons to whom were confided the administration of the laws. Could, then, the House be surprised that the people in Ireland were not satisfied with that Administration, when persons who administered it, avowed their participation in such sentiments were so intimately connected with it? Several Judges had given decisive opinions as to the illegality of these Orange Associations. Among other opinions he had got the opinion of Judge Jebb, who stated that Orange processions were illegal, because they emanated from societies which were themselves illegal. At a large Orange meeting which took place at some town or village in Downshire, 150 Orange Lodges were marshalled under their different officers. ["Question!"] He asked hon. Gentlemen who called "Question," whether they made any question about the lives of their tenants? He was obliged to feel an interest in these displays, for on more than one occasion he had been obliged to retain counsel on behalf of his tenants, who had been injured in the course of them. These Orange Lodges, when thus marshalled, proceeded to Lord Roden's park, at Tullamore, where, in spite of the Duke of Northumberland's proclamation denouncing the illegality of such processions, the noble Lord addressed them in a most inflammatory, and if Lord Chatham's definition of seditious might be taken, in a most seditious speech. To show how fully he entered into their proceedings, he commenced his address to them by calling them, "My friends and brethren." The

noble Earl to whom he had referred described the Orange body as an exclusively Protestant Association for the support of the law and the maintenance of true religion, and declared that no honest politician could refuse to belong to such a society. The Orange institutions were for defending Protestantism, and the accession of the House of Brunswick to the Throne, and the customary oath taken was, "I swear true allegiance to George 3rd and his heirs so long as he and they support the Protestant religion, which is the true religion established by law." Lord Roden said, that no honest Protestant could refuse to belong to those institutions, and that he that did so was a Radical. The hon. and learned Recorder, and Member for the University of Dublin, favoured those societies, notwithstanding their having been pronounced illegal by his Majesty's advisers. The hon. Member next referred to divers cases in which Orangemen and Catholics met in arms. The Catholics were invariably the first to cede to the voice of the Magistrates, and in one instance when they had done so the Magistrates retired, and a scene of great confusion ensued. Houses were burnt and destroyed, and twenty-nine men were taken in arms and committed for trial. Many acts of partiality were committed by persons who thought they were justified in committing them, seeing that so many persons avowedly favourable to Orange Societies, had obtained places under the present Government. He regretted, that Government should sanction these Societies; but when he found persons of high rank and station countenancing the Orange body, he contended that it became doubly dangerous, and that the conduct of the Government in recognizing it directly or indirectly was quite inexcusable. He should be glad to see the recommendation of conciliation offered by the right hon. Baronet a few nights ago adopted. No man could rejoice more than himself to see Protestants and Roman Catholics shake hands and forget their mutual differences.

Mr. *Hume* thought it most extraordinary that the right hon. Baronet and his Majesty's advisers should have counselled his Majesty to receive certain Addresses in the most gracious manner, and others, though of a perfectly legal character, scarcely to be acknowledged at all. Orange Addresses were received in the most gra-

cious manner, whilst other Addresses that he presented from the inhabitants of most respectable boroughs were received with merely the acknowledgment that they were so. The answer to the Address from the Grand District Lodge, was signed Henry Goulburn, and stated that he had the satisfaction of informing them that their Address was received in the most gracious manner. Another Orange Address was acknowledged by the Duke of Wellington in similar terms. He had presented two Addresses, one from Derby, and the other from a most respectable borough, respecting the dismissal of the late Government and the appointment of the present one, and the only answer he had was from the Secretary of the right hon. Member (Mr. Goulburn), stating on the part of Mr. Secretary Goulburn that the Address was received. There was nothing in the answer intimating that his Majesty had received the Address in the most gracious manner. One of those Addresses was transmitted to the Duke of Wellington, and no answer whatever was received to it. Was this partiality or was it not? And could the country have confidence in men that sanctioned such proceedings? Here were Addresses from public bodies, acknowledged to be legal, received almost without acknowledgment; whilst others from illegal bodies were most graciously received. This was not fair; it was most unfair and unjust, and being so was most unworthy of the right hon. Gentleman opposite.

Mr. *Secretary Goulburn* said, that as there was no disposition on the part of Government to oppose the appointment of a Committee, he thought the present discussion uncalled for, and that it was scarcely necessary for himself or his right hon. Friends to make any observation on the subject. On a former occasion he had stated, that whatever Addresses were presented during his occupation of office had been treated precisely in accordance with previous precedents. The general rule and practice at the Home-office was this—where Addresses were forwarded, approving of the course taken by the existing Government, the answer was invariably that given in the cases complained of by the hon. Member for Middlesex, so where Addresses supported views to which it might be supposed from the policy of Government the Crown was opposed, the other course of a simple acknowledg-

ment was pursued. He only wished the hon. Gentleman had read to the House the Addresses of which he spoke, and the answers. It would appear, that in the latter there was nothing to recognize the bodies addressing, but that the Addresses had been received as from certain persons who signed them. This was acting in accordance with established precedents, and implied no intention on the part of the Government to recognize Societies constituted as Gentlemen opposite described these to be. The answers merely contained that gracious acknowledgment which it was customary for the Crown to afford to those Addresses which were dictated in accordance with its presumed sentiments. It was not necessary to enter further into the subject. It might be convenient to attack the individual holding the Seals of the Home-office, and to attempt to discredit the Government by such remarks as had been made on this occasion, but he doubted the wisdom or policy of such a course, which tended rather to create the impression complained of by Gentlemen opposite, by attaching undue importance to what after all was merely a formal proceeding in conformity with the ordinary course in such matters.

Mr. *Sheil*: The right hon. Gentleman stated his desire to avoid a recognition of Orange Societies, but he called the right hon. Gentleman's notice to one answer, which stated—"I have had the honour to lay before the King, the loyal and dutiful Address of the Brotherhood Club." Was not that a recognition of an Orange Society? Another answer was—"I have had the honour to lay before the King the loyal and dutiful Address signed by yourself (the Secretary) and others of the Orange Lodge No. 903." Yet, in the face of these replies, the right hon. Gentleman ventured to deny his recognition of Orange Lodges. In his opinion, the Government had clearly manifested a disposition to sanction such Societies. Persons holding the highest offices in them were courted and promoted. This was the charge brought against Ministers. Did the right hon. Secretary for the Home Department forget a Motion formerly made by a Member of the present Cabinet, a Mr. Goulburn, for a Committee to inquire into the Constitution of Societies calling themselves Orangemen, though the Government to which the right hon. Gentleman now be-

longed had proceeded on a recognition of those Societies? These were charges which the Government could not escape, or reply to, before the tribunal of public opinion.

Mr. *Goulburn* would not be tempted to enter into a discussion of the subject; but he was perfectly ready to meet particular charges. That the Brotherhood Club was an Orange Society he solemnly declared, he did not know till he heard the hon. and learned Gentleman assert it. Were there no Clubs that occasionally addressed the King—Odd Fellows and others? And how were they to be discriminated? He would lay the Address of the Brotherhood Club on the table, to show that it afforded no evidence of proceeding from an Orange Society; the answer had been given under that impression. With respect to the other Address of the Orange Lodge, No. 903, if the hon. and learned Gentleman looked carefully at the answer, he would see that it avoided any recognition of the Society, and simply acknowledged the receipt of the Address as that of the individuals who signed it. He complained of the unfair imputations of a design to encourage and maintain Orange Societies. Such a charge was unfounded when made against the Government, and especially unjust when directed against an individual who, as the hon. Member for Tipperary admitted, had introduced measures to put down those Societies; and at a time when the attempt entailed on him much undeserved unpopularity.

Sir *Henry Hardinge* said, that he had received a letter in reference to a statement made by the hon. and learned Member for Dublin, on a former evening, relative to Mr. Robinson, a statement to which he (Sir Henry Hardinge) did not attach much importance at the time. The writer (Mr. Robinson) stated, that the hon. and learned Member was altogether incorrect in his allusions to him—that he was not an Orangeman or Member of any Conservative Society, and that he had not the honour to be nephew to Lord Farnham. He could also state, that the individuals mentioned as being improperly appointed by the Lord-lieutenant were not Orangemen or partisans, as stated by the hon. Member. The fact was, that in every act of the Government there was the utmost desire to treat Orangemen and Ribandmen with the strictest impartiality. The hon. Member for Meath had alluded to a murder

at the town of Kells, and thrown out an imputation against the Attorney General for improper conduct in the prosecution of the parties accused. The hon. Member was altogether mistaken in his allegation, there were no attempts made to procure an acquittal. So far from the law-officer of the Crown having prosecuted, the fact was, that he abstained from doing so at the desire of relatives of the deceased. He expressed his willingness to prosecute if called on, but had no wish to undertake the case if the relatives did not desire it. The trial, therefore, came on at the instance of the private prosecutor, who employed eminent counsel to conduct the case. The case was such that the acquittal of the prisoners was expected after the Jury had been locked up; but the Jury having remained together three days without agreeing on a verdict they were discharged. Such were the facts of the case, as stated to him in a letter from the Crown Solicitor. It therefore appeared that the imputation that the Crown Solicitor prosecuted, and was anxious for an acquittal of the accused, was inconsistent with the fact. Six Catholics, and six Protestants were on the Jury, and they could not agree.

Mr. *Cutlar Fergusson* thought, that when loyal and dutiful Addresses (such as he had been intrusted with by his countrymen) were presented, in which the Ministers in whom his Majesty had reposed confidence up to the 15th of November last were approved of, they ought to be received with the common forms of acknowledgment, as well as Addresses from Orangemen, in which those Ministers were termed "revolutionary."

Mr. *Cole* said, an hon. Member opposite had alluded to an outrage that recently took place in Enniskillen (the town he had the honour to represent). He could tell the hon. Gentleman, that the transaction occurred in consequence of an irruption of several thousand Ribandmen from Leitrim and adjoining counties. He would not undertake to say, who were right, or who were wrong on that occasion; but this he knew, that the sufferers were Protestants—one individual being killed on the spot, and another mortally wounded.

Lord *Clements* said, that he had received a letter from Leitrim only the other day, stating the great increase of Orange Lodges since the accession of the present

Government to power. The writer remarked upon it as an extraordinary circumstance, that a Ministry professing to enforce the law should require the assistance of bodies, formerly stigmatized by Members of the present Cabinet as illegal.

Mr. Wyse corroborated the statement of the noble Lord, as to the increase of Orange Societies since the accession to office of the present Government. It was not sufficient that Members of the Administration deprecated such things, the House and the country looked not to their words, but their acts. It was seen how the Government deprecated an Orange outrage in the theatre of Dublin! Had a green flag been exhibited at the theatre over the Marquess Wellesley's head, with an inscription of "No tithes," and if no notice were taken of the transaction, we should have heard the Whig Government denounced as "revolutionary" by the Orange party. When like conduct was displayed by Orangemen, why had there not been a word of reproof from the Lord-lieutenant?

Sir Henry Hardinge said, that as an indirect allusion had been made to the exhibition of an Orange flag in a box above that in which the Lord-lieutenant sat on his visit to the theatre, he begged to say, that Lord Haddington was much displeased at the occurrence, and on the following day the Lord Mayor called on Lord Haddington, and expressed his regret at what had taken place. He would only ask hon. Members opposite, how Lord Haddington could have prevented the exhibition which was complained of?

Mr. Ward was rejoiced to find, that his Majesty's Government had done justice to the Motion before the House, by admitting the necessity of the inquiry asked for. He had strong feelings on the subject, and he would tell the gallant Officer, that he had derived his opinions from that which the gallant Officer would consider a legitimate source. He took his impressions from a work of the noble Lord the Member for Hertford, who published some years ago—a work entitled "*Three Months in Ireland, by a Protestant.*" The noble Lord's opinion—[Lord Mahon rose, but was called to "Order."] If the work were not the production of the noble Lord, he was very sorry to quote his name as an authority. The hon. Member read an extract from the above work, in which the author observed, that "whilst in England there

were very few Orangemen; whereas, in Ireland they ruled the country with a rod of tyranny; but that now they were reduced to fruitless rancour, &c." He did not quote this with the intention to misinterpret the opinions of the noble Lord, though he thought the sentiments he had quoted would do him, or any man, great credit.

Lord Mahon felt quite sure, that after a charge so personal, and so unexpected, as that which had just been brought against him by the hon. Member for St. Alban's, the House, with that regard for justice, which he had always observed a British House of Commons disposed to manifest towards private individuals, would allow him to trespass on their attention for a very few moments. He had been accused of being the author of a work called "*Three Months in Ireland.*" He utterly disavowed being the author of it; it had been published some years before; and he could solemnly avow, that he had never seen or heard it ascribed to him, until within a few weeks ago, when he saw it imputed to him in an anonymous pamphlet. The hon. Gentleman said, it was sold in his (Lord Mahon's) name. This was the first time he had ever heard of it; and unless the hon. Gentleman stated the fact from his own knowledge, he could not believe the assertion. For what he had written he was willing to answer; but it was most unfair, under any circumstances whatever, to charge a man with being the author of an anonymous work, simply because it was very difficult for a mere denial to carry with it sufficient weight. If this were intended as an attack on his political character, he appealed both to the House generally, and to Gentlemen opposite, to whom he was politically opposed, whether he had ever swerved from the principles he professed, or hesitated to maintain them with honour, integrity, and consistency. The debate had been prolonged by hon. Gentlemen who had prepared speeches, and did not like to be disappointed. He hoped they would have the satisfaction of hearing some more, but he trusted they would not be couched in that character of personalities which had disgraced the preceding part of the debate, and which could not fail to impress the country with an opinion of their proceedings, far from honourable to the deliberation of that House. He might have taken this opportunity of recriminating upon the hon. Member for St. Alban's, if he were

so disposed, by adverting to charges which were recorded against him; he would not do so. [*Cries of "Name."*] Well, then, he alluded to the hon. Member's mission to Mexico, which gave rise to serious charges against him.

Mr. Ward said, that the noble Lord, whilst disclaiming personalities, had made an attack upon him which was most unfounded and untrue. He would not deny that in the course of his mission to Mexico, circumstances occurred, which, though most painful to his feelings, were not injurious to his character. He acknowledged frankly, and fully, that he committed an error upon that occasion; but Mr. Canning, in, he believed, one of the last letters he ever wrote, told him, that he was perfectly satisfied with his explanation regarding it, and that he stood as high in his estimation as before. That was his distinct answer to the charge which the noble Lord, flushed he supposed with a few weeks' possession of office, had most unfairly, most wantonly, if not cruelly, brought against one, who never injured him. The noble Lord seemed to think, that he (Mr. Ward) had brought a charge against him by erroneously attributing to him the authorship of a pamphlet, of the opinions contained in which the noble Lord needed not to be ashamed. He was led into the mistake in consequence of seeing the noble Lord mentioned as the author in the pamphlet which the noble Lord had referred to, and when he sent to his bookseller for "Lord Mahon's work on Ireland," he sent him the "*Three Months in Ireland.*" He would not press the matter further at that moment, but he called upon the noble Lord, after consulting with Mr. Planta, who was acquainted with all the circumstances connected with his mission to Mexico, to declare from his place in the House, on some future occasion, whether the statement he had made relative to Mr. Canning being perfectly satisfied with his explanation, was or was not correct.

Lord Mahon said, he would at once declare, that the transaction to which he alluded, in no degree affected the personal character of the hon. Member. He regretted that he had alluded to the subject at all; but he felt that he had himself been personally attacked. Again he must express his regret that he had alluded to the matter in question.

The Motion was agreed to, and the Committee appointed.

Committee of Supply postponed.

HOUSE OF LORDS,

Tuesday, March 24, 1835.

MINUTES.] Petitions presented. By Lord KENYON, from Bradford, for the Repeal of the Factories' Regulation Act.

STOKE POGES.] The Duke of Buckingham said, that with reference to the union of the parish of Stoke Poges with other parishes, he had had affidavits put into his hands, which contradicted the statements of the noble and learned Lord opposite, who, however, was no more responsible for the statements which he had made in opposition to the petition, than he (the Duke of Buckingham) was for the statements he had made in support of it. Each was instructed by other persons, and acted on those instructions. He had informed the persons who had made the affidavits, that they could not be used in that shape, and he had written to those persons to recommend them to wait patiently till the regulations of the Commissioners had been published, and then, if they found those regulations improper, to embody those affidavits in a petition against the regulations.

Lord Brougham said, that the noble Duke had pursued the best course on this subject. The noble Duke he had never considered to be answerable for the statements made in the petition—he was the only Peer, held by their Lordships to be answerable for the statements contained in the petitions that he presented. The noble Duke had, however, exonerated him from being responsible for the statements he had made in opposition to the petition—it was very fair of the noble Duke to do so, but he could assure the noble Duke, that he had inquired more fully into the substance of those statements, and all the evidence he had since received most fully concurred with the statements he had then made. He had said, that the expense of maintaining the paupers was 4s. 1½d. each; it had been stated, that that expense was but 2s. 11d.; but upon further inquiry he had had the Return sent to him, which had been furnished by the parish officers themselves, and from that Return he found that the expense was 4s. 11d. each. He therefore was almost inclined to make himself respon-

sible for the accuracy of the statements he had made.

PRISON DISCIPLINE.] The Duke of *Richmond* wished to ask whether it was the intention of Ministers to propose any measure for the amendment of Prison Discipline throughout the country, so that one uniform system of discipline should be observed in all gaols; for if such were not their intention, it would then become his duty to move for a Select Committee on the subject, to inquire into the state of prison discipline, and to report their opinions thereon. Their Lordships could not forget, that in the course of the last Session his noble Friend, who now held the Privy Seal, had introduced a discussion on a Motion of a similar kind, when he moved that an humble address should be presented to his Majesty, praying him to appoint a Commission of Inquiry. The question was then discussed at some length, and the arguments as to the propriety of such a measure were fully gone into. The arguments in favour of the course he now proposed were stronger than those which his noble Friend had urged in support of the Motion for a Commission, for their Lordships had now the advantage of the Report of the Gentlemen who had been sent by Government to examine the prison discipline of the United States of America. He had never been an advocate for long or severe imprisonment for offences, but he thought, that some principle of uniformity ought to regulate the system; and if a particular mode of imprisonment had been found beneficial in some places, he did not see why it should not be tried in all. There certainly should not be a severe punishment in one gaol, and a very lenient one in another. Yet such was the fact at the present moment: and how was this evil to be remedied without an inquiry, and without a selection of the best mode of discipline, and a recommendation, be that mode what it might, that it should be adopted throughout the country? It was their duty to endeavour to Reform those individuals who violated the law of the country. The punishments of such persons should be calculated not only to Reform them, but to deter others from the Commission of the like offences. But would any man be bold enough to say, that the system now in operation throughout the country would have any such effect? The Returns now on their Lordships' Table showed that no such effect was produced.

Let them apply to the keepers of the gaols in different parts of the country, and ask them whether they did not know, that men who at first went into prison comparatively innocent were, by the present system, returned upon their parish with increased power of mischief, and with more depraved dispositions than before. He pressed for this inquiry with no party feeling; but he really thought, that the time was arrived when the Legislature ought to direct its most serious attention to this subject. He was convinced, that if this was not speedily done, and if the mischief was not specifically provided against, still greater mischief would rapidly and inevitably ensue. He should not detain their Lordships longer with any suggestions of a particular plan as to the selection of gaols, solitary confinement, more frequent gaol deliveries, or the establishment of intermediate tribunals, at which minor offences were to be tried; neither should he say anything on the subject of economy. All those different means could be fully discussed in Committee, and he felt sure, that some good plan might be provided, or at all events, that the matter could not be worse than at present. He thought, that a better time than the present for the prosecution of these inquiries could hardly present itself. Under these feelings, he should move that a Select Committee be appointed; and in making the Motion, he should take the liberty of availing himself, as far as possible, of the very words used by his noble Friend, now holding the Privy Seal, in the Motion of last year. He therefore moved "that a Select Committee be appointed, for the purpose of inquiring and reporting on the present state of the gaols and houses of correction in England and Wales."

Lord *Wharncliffe* agreed most fully with what the noble Duke had said, as to the necessity of inquiry into the present system, and was not prepared to retract one word of what he had said last year on the subject: but then there was a difference between what he then moved for, and what the noble Duke now desired—namely, that he had moved, not for a Committee of that House, but for a Commission, to inquire into the state of the gaols, for the purpose of establishing a new and uniform mode of imprisonment. It was right, that their Lordships should know what had been done since that Motion had been made. The noble Viscount, then at the head of the Home Department, had ordered Esti-

mates to be prepared as to the expense of fitting up the prison at Dartmoor, where the French prisoners had been confined, for the purpose of knowing what it would cost to put into operation an experimental mode of confinement that might be there tried, such as was adopted in the United States. The noble Viscount afterwards became the head of the Government, and before the end of the Session the House of Commons voted a sum of money for the purposes of that experiment. Some step, therefore, had already been taken on the subject. He agreed with his noble Friend, that the time had arrived when the Government ought to resolve on adopting one course on the subject; and he assured his noble Friend, and their Lordships, that, without more delay than was absolutely unavoidable, Government would take this subject into consideration. If, therefore, his advice was followed, there would be appointed, not a Committee of that House, but a Commission, consisting of one individual or of four, who might be sent to visit every prison in the United States, and to collect all the information possible—to look at every thing, and report thereon to the Government, so that these Commissioners might know from their own observation the actual state of facts, and have the means of putting them down, and declaring from their own observation what in all those prisons appeared the best state of discipline for the prisoners. All these things they ought to report to the Government. Having these impressions, he must suggest to the noble Duke whether it would be necessary to have a Committee of the House of Lords on this subject, and whether, in fact, a Committee would be the best means of conducting the inquiry. It seemed to him, that it would not; and as he believed, that an examination of witnesses would not be the most satisfactory mode of proceeding, he should object to the Motion of the noble Duke. He could assure their Lordships, that the Government had not lost sight of the matter, but that Ministers were prepared to do what might be found to be the best in the way of introducing a new or a different system of prison discipline, such as should be most likely to be effective for the prevention of crime, and the punishment of those who had committed it. The Government was now ready to take the best measures for procuring information, and for laying that information before Parliament. He must confess, that he had a great ob-

jection to hasty legislation on this subject. The prison laws which had been recently enacted, were enacted after some, but not sufficient, information had been obtained; and he believed, that instead of good they had done a great deal of harm. He therefore recommended his noble Friend to withdraw his Motion, and to leave the matter in the hands of the Government.

Lord Brougham considered, that a Commission would be of great advantage to the end they had in view. A Commission sees with its own eyes, hears with its own ears, and has the opportunity of examining into the various methods employed in different prisons; but yet he was a little in doubt, that it would by no means be necessary to have a preliminary inquiry for a somewhat different object in a Committee. His noble Friend had suggested general matters, and general principles, and an inquiry into those should be made among persons who never would be examined by a Commission. Commissioners could examine into what was actually done in gaols; but he expected from a Committee a more general inquiry than that, and one not less important than the examination into prisons. He would expect to see examined before that Committee persons who had applied their minds to the subject of secondary punishments. He hoped such persons would be examined; and that the inquiry would embrace that most important investigation, the efficacy of secondary punishments. He was always of opinion, that the Legislature was wrong in only altering capital punishments, as they had already done in so many cases, and were prepared to do in others, without providing a better system of secondary punishments. It was with this view, that his noble Friend, then the Secretary for the Home Department, with his entire concurrence, had adopted the plan which had been referred to. He thought, that the Committee should be intrusted with an inquiry into secondary punishments, with those of a severer nature, and with the amendment of prison discipline. An inquiry, by all the means which the Committee would have, must not only be calculated to be of great advantage, but it would also prepare for the local inquiries, and the details of the Commissioners. He could not help suggesting to his noble Friend (the Duke of Richmond) before his Motion was granted, that he did not see how it was possible to enter upon the subject of prison discipline, and yet omit that which was important, secondary punish-

ments. It was wise to make a distinction between persons who were not tried, and those who were convicted. Amendments might be made in the one case; but in the others, where the capital punishment was removed, the guilty should suffer in such a manner as to deter others from the Commission of the same crime. He defied them to separate the two questions—prison discipline and secondary punishments. This subject had been considered much elsewhere. When he had the honour of a seat in the other House of Parliament, he had heard it very much discussed, and yet he never heard of any one who dreamed of severing the subject of secondary punishments from prison discipline. He did not see how in the course of inquiry they were to be left apart. As a Committee was absolutely necessary to prepare for a Commission, he considered it not the less necessary to have discussion. Though he did not complain of the few observations made by his noble Friend, yet the subject required a more extended discussion. He did not think that a Committee of that House could effect much good upon this subject, unless the attention of the House was previously directed to it. He confessed, that when they were not overburdened with business, it would be a great advantage if his noble Friend had deliberately discussed a subject not yet sufficiently mooted there—upon which there had been no enlarged view taken, but which was generally brought on in snatches, in the same manner that their present conversation was conducted. It was as if they were resolved to give the subject of capital punishments the go by, and never would say a word upon the subject of secondary punishments at all. But he took his share of blame for this—he was waiting until the return of the Commissioner. He believed the Report of that Commissioner was in part presented. He now made these few observations to show that he was not abating in his zeal and interest upon the question of capital punishments, and also that of secondary punishments to be substituted in their stead.

Lord Wharncliffe said, that still he considered that a Commission would be better than a Committee. His noble Friend had proposed to take the words of his (Lord Wharncliffe's) Motion, but how did that Motion run on?—"And also on the rules and discipline therein." This was not mentioned in his noble Friend's Motion; yet it was most important. Now, it

was manifest, that men who saw and examined into these prisons would be better fitted to form an opinion on them than their Lordships, who merely examined evidence on the subject, and who sent for the gaolers to tell them what was the discipline existing in their prisons. The Motion then went on—"Whether sentences could properly and effectually be put into execution, and whether any and what alterations appeared necessary in the government of such gaols and houses of correction, or in their construction, in order to ensure uniformity of punishment throughout the whole." These were all matters better capable of being examined into by a Commission than before a Committee; and if his noble Friend pressed his Motion, he should oppose it.

The Marquess of Salisbury said, that if the Government appointed a Commission, he hoped it would be with powers sufficient to sift the matter to the bottom. He was understood to say, that he was in favour of a Committee, but hoped that his noble Friend would postpone his Motion for a few days, to see what the Government intended to do.

The Duke of Buckingham thought that all points as to the effect of prison discipline, and also a knowledge of what the law really was on that subject, were matters that ought to be ascertained; and he thought that they could not be ascertained better than in a Committee. The clerks of the peace might be called before their Lordships, and full information obtained on this subject, so far as this country was concerned. He did not object to a Commission, and he should like to see what the Government would do; but if his noble Friend pressed the Motion, he should certainly vote in its favour.

The Marquess of Lansdowne said, that he entertained the same opinion which he had expressed last year—namely, that it was the duty of their Lordships to constitute one, if not both these modes of inquiry. If they were to institute both, then, in his opinion, the Committee should precede the Commission. There was a great deal of evidence already prepared on the subject—there was a detailed Report on the state of our prisons—there was a Report on secondary punishments—and, lastly, there was the valuable Report of the Gentlemen who had been sent by the Government of his noble Friend (Earl Grey) into the United States—a Report containing not only a most full, able, and satisfactory ac-

count of the prisons of that country, but a comparison of them with those of this country, and a statement of their relative effects, and for that purpose introducing a most able, and, as he was informed, accurate view of the state of the prisons of England. In his opinion, therefore, their Lordships were now in a state to consider what circumstances were essential to produce an effective system of prison discipline. He was consequently in favour of the appointment of a Committee, and if a Committee did no more than recommend a perfect assimilation of discipline in all the gaols of the country, a very good object would be attained. At present, while the system of discipline was different in each prison, their Lordships, in awarding a certain term of imprisonment for any offence, were legislating in the dark, and could not tell what was the amount of the punishment they were inflicting, for that would depend not so much on the mere length of the term of imprisonment, as on the will, he would not say the caprice—for he believed that the power was honestly and fairly exercised—but on the will and the difference of opinion of different Magistrates, under whose authority these gaols were placed. There was at this moment such a variety of punishments, caused by these means, that of the number of persons undergoing hard labour, he believed the amount varied from ninety in 100 to twenty in 100; so that the chances were equal whether a man should undergo a severe punishment or not. It was the same thing with respect to the diet of prisons. The comparative expense of different prisons varied extremely. In one, the expense was at an average about 1*s.* 6*d.* per week, in another, it was 3*s.* 6*d.*; a difference greater than could be accounted for by the different price of provisions in different places. So that it clearly involved the question of a different mode of treatment of the prisoners. He was, therefore—considering all the means of information now possessed—in favour of the appointment of a Committee, which he thought might be most usefully employed in this investigation.

The Duke of *Wellington* said, that if he had been aware that it was intended to introduce any discussion on this subject, he should have come down better prepared upon it. In his opinion the Motion of the noble Duke went exactly to those points which could be best inquired into by a Commission. It seemed to him that a most material distinction had been lost

sight of in this discussion, and that was the distinction between prison discipline and secondary punishments. In his opinion, prison discipline was the ordinary state of discipline of a prison applicable to all the persons who were confined in it. Secondary punishment was the punishment they underwent while confined there. It was necessary that this latter should be well understood before the House proceeded to legislate in any manner on the subject of secondary punishments, and they must see if the statutes now existing would enable the Magistrates to inflict a secondary punishment. He did not think that the inquiry into prison discipline ought to be taken before the inquiry into secondary punishments. He certainly preferred the inquiry by Commission in the present instance, and thought it would be more effective than the other mode of a Committee.

The Earl of *Roden* conceived that a Committee of that House was preferable to a Commission, and he thought that their Lordships could not be better occupied than in investigating such subjects.

The Duke of *Richmond* replied, that he had not introduced this discussion with a long speech, because he was not so fond of making long speeches as the noble and learned Lord, but if the House would grant him the Committee, and would appoint the noble and learned Lord upon it, he would promise, if necessary, to listen to the noble and learned Lord from ten o'clock in the morning, when the Committee first met, till the hour of their rising. His reason for proposing to have a Committee appointed to take the subject into consideration was, that he did not wish that any time should be lost. If the Committee were now appointed, something might be done during the present year to resist the evil which must be notorious to all, the increase of crime—an evil which, if not checked, would probably extend to a still more frightful amount. The noble and learned Lord objected to the Committee because the object of it did not include the consideration of capital punishments, that was a subject quite different from that which he (the Duke of Richmond) had in view. He wished another evil to be removed: and he certainly had not made a speech on capital punishments, when his object was only to improve the discipline in our prisons. At the present moment, he believed, that there were not, in the county of Middlesex, any two prisons

in which the discipline was exactly the same. Surely that was a subject upon which the Committee might Report, so that a uniform system in all the prisons in the country might be adopted.

Lord *Brougham* said, that he did not complain that his noble Friend's (the Duke of Richmond's) speech was too short, by any manner of means; what he complained of was, that the object of the Committee was too limited. With regard to the noble Duke's offer to place him on the Committee, and allow him there to make long speeches, and expound his ideas of capital punishments, if he chose, from ten in the morning till five in the afternoon, he could assure his noble Friend that any noble Lords, whoever they might be, would be relieved of any such annoyance, as he (Lord *Brougham*) had something else to occupy his time from ten in the morning until five in the afternoon. He was engaged between those hours in attending to the judicial business of their Lordships' House. He would not give his views on the subject before any Committee. He would take an opportunity, when it suited his convenience, of bringing the subject of secondary punishments before their Lordships; and he would then make just as long or as short a speech as he chose, or as their Lordships chose to listen to. But he should not ask his noble Friend's opinion as to what the length of the speech should be. His noble Friend might make long speeches in his Committee, but he (Lord *Brougham*) would make a motion upon the subject of secondary punishments, in his place as a Peer of Parliament; for he considered the subject one of sufficient importance to occupy the attention, not only of a Committee, but of their Lordships' House. He held opinions upon the subject which he wished to state in his place in Parliament, and he would not state those opinions either in a speech before a wrangling Committee, nor by giving evidence before it; but he gave notice that in his place, as a Member of Parliament, he would bring forward a Motion upon that part of our criminal law which regarded secondary punishments.

The Duke of *Richmond* said, that the noble and learned Lord might indulge in as many sarcasms at his expense as he chose, but that would not prevent him from doing that which he considered his duty. He was quite aware of the noble and learned Lord's great experience on the subject to be submitted to the consideration of the Committee, and he regretted that

they should not have the benefit of the noble and learned Lord's assistance. He had given notice of the Motion which he was about to make, and the extent to which he wished the inquiries of the Committee to go. He would allow neither the noble and learned Lord, nor any other person, to make him the subject of sarcasm. He knew the noble and learned Lord well.

Lord *Brougham* appealed to their Lordships whether they had ever known any person to have been more unjustly attacked—more unjustly dealt by, or treated than he had been by his noble Friend. Who had begun the attack? Was it not the noble Duke himself who had begun it? Was it not the noble Duke who commenced the sarcasm? All that he wished for was, that the inquiries of the Committee should not be so limited, as his noble Friend proposed; and did not his noble Friend get up, and in a tone which was certainly intended for sarcasm—it might not be sarcasm, but it was intended as such, and had the effect intended—for he observed that it created a laugh—a grin upon their Lordships' countenances—not at the expense of his noble Friend, but at the expense of the unfortunate individual who was the object of the attack—did his noble Friend not get up and say that it was unnecessary to delay the appointment of the Committee; for if he (Lord *Brougham*) wished to have an opportunity of making long speeches upon the subject of secondary punishments, his noble Friend would put his name upon the Committee, where he might have an opportunity of making as long speeches as he chose—where, as the noble Duke said, he might make speeches from ten o'clock in the morning until five in the afternoon—almost from sunrise until the setting of the sun? It was his noble Friend, then, who had attacked, and he (Lord *Brougham*) had merely defended himself. He considered, therefore, that his case was one of extraordinarily hard treatment on the part of his noble Friend. It was an instance, too, of the greatest forgetfulness on the part of his noble Friend, not to remember who was the first to make the attack. His noble Friend, when he chose, was by no means forgetful—no one had a better memory—but this was an instance of marvellous forgetfulness, for which he could not account. His noble Friend certainly first attacked him, and he had merely defended himself.

Motion agreed to, and Committee appointed.

CANADA.] The Earl of *Aberdeen* then rose to present a Petition, upon which he wished to say a few words, but as he did not wish to provoke discussion upon the subject at that time, he should do little more than state what the petition was, and what the prayer of the petitioners was. The Petition was from Lower Canada, and it was signed by 11,000 of the Inhabitants of Montreal and its vicinity. Of the petitioners, 10,000 consisted of British-born subjects, or of the descendants of Britons, who had settled in the Colony; those 10,000 represented a numerous and respectable body of the colonists, amounting, as he was informed, to no less than 100,000 persons, and they made known their desires and wishes, to which he entreated their Lordships' attention, as it would be admitted that the petitioners represented the greater portion of the capital, industry, and intelligence of the province of Canada. The petitioners stated that they highly prized the connexion between the mother country and the province, that they felt especially grateful for the Constitution which had been granted to them by his late Majesty, and that they were determined to maintain the connexion unbroken. They viewed, however, with regret and alarm, the tendency of the Resolutions lately passed by the House of Assembly of that Colony, which they described as encouraging disloyal principles, as likely to bring the Government of the mother country into contempt, and to paralyze the efforts of the Government in the Colony, and tended to the establishment of a pure democracy, by requiring that the election of the Legislative Council should be placed in their hands. The petitioners disavowed all participation in the feelings of the Assembly upon those points, and they entreated their Lordships to concur only in such measures as would give permanent relief to the real grievances of the colonists, while they cemented the connexion of the Colony with the mother country, and kept in their places the rights of all classes of persons inhabiting the Colonies. He desired to be understood to give no opinion upon this petition, any more than upon the petition on the same subject, presented to their Lordships on a former day from another quarter. He had already stated that he did not think that Canada was without just cause of complaint; and he had also stated, that his Majesty's Government were most anxious that a remedy should be found for the grievances complained of. For his own

part, he would say, that he was anxious to deal with the subject in a way which, from the feelings with which it was entered upon, deserved, as he hoped it would bring, a favourable conclusion. Knowing, as he did, the singleness of purpose which actuated his Majesty's present Government, in all that they did in regard to that Colony, he would say, that if their feelings were met with a corresponding feeling in other quarters, it would be hard, indeed, if the conclusion were not favourable. He was confident, however, that in those efforts the Government would have the support of their Lordships, as well as of all who did not wish to withdraw the important province of Canada, from its connexion with the mother country.

The Marquess of *Lansdowne* was sure the noble Earl did not mean to attach any blame either to his right hon. Friend who last held the Seals for the Colonies, under the late Government, or to the noble Lord who preceded his right hon. Friend, in any steps he might have taken, or instructions he might have given, respecting the Government of Canada. He had understood the noble Earl to say, that some sanction or concurrence had been given by his noble Friend (Lord Stanley), to the seizure of the Colonial revenue. He hoped, indeed he was sure, it was not intended by the noble Earl, that any such inference should be drawn from what he said, but it was simply a matter of justice to the noble Lord, to state, that so far from sanctioning the seizure of the revenue, the direct contrary was to be inferred from his acts, in so far as the noble Lord, being aware of the great distress which had occurred from the non-payment of the salaries of the Colonial officers, had authorized that those salaries should be paid out of a different fund—namely, out of the extraordinary revenues. Then with regard to the unnecessary delay which was stated to have taken place, he was convinced that it could be shown that there had been no unnecessary delay. It appeared, too, as if the noble Earl had imputed blame to his noble Friend, for not having recalled Lord Aylmer. Now, this had the appearance of injustice to his noble Friend; for he could not understand how any blame could be attached to his noble Friend for not having advised his Majesty to recall Lord Aylmer from the Government of Canada.

The Earl of *Aberdeen* could have no difficulty in answering the remarks of the noble Marquess. It ought to be recol-

lected that the remarks to which the noble Marquess alluded were delivered upon the presentation of the petition from Canada by the noble and learned Lord opposite. In that petition blame was attached to the Government for not recalling Lord Aylmer and he (the Earl of Aberdeen) then said, that if any blame were to be imputed to any party, it was to the noble and learned Lord and his party and not to the present Government; but it was far from his intention to say that blame was to be imputed to any party upon that account. On the contrary, he could never have had any such object in contemplation; for he considered the complaint of the petitioners unfounded, and it was only because the noble and learned Lord appeared, in some measure, to support the prayer of the petition, that he had stated, that if there was any blame anywhere, it rested not with the present Government, but with the noble and learned Lord himself, and with his colleagues. But he never could have blamed any Government for retaining the services of Lord Aylmer. Then with regard to his having made use of the expression "seizing the revenue," he certainly had used it; but he had only repeated the words used by the noble and learned Lord. He could not have meant to describe the seizure of the revenue as an act of the late Government; for he knew it not to be the fact, because he was quite aware that the fund alluded to was British, and did not belong to the colony. It was, however, a grave question how far the appropriation of the fund in question to the payment of the salaries of the officers was justified; but that was another question; and was not complained of by the petitioners. And as to the delay, he certainly had said that if any had taken place, it was the fault of the late, not of the present Government; but he was far from saying that any unreasonable delay had taken place.

The Earl of Ripon said, that it was but justice to the noble Lord, the late Secretary for the Colonies, to state, that so far from giving his sanction to the seizure of the revenues, he had, in anticipation of a similar occurrence, which happened about ten years previously, actually prohibited it.

Lord Brougham said, that he had merely given the statement of the petitioners. It might have been right, or it might have been wrong—he gave no opinion on the subject. With regard to blaming the Government for not recalling Lord Aylmer, there was no such prayer in the petition

that he was aware of. The charges were against Lord Aylmer, and not against the Government.

The Earl of Aberdeen said, that the very first complaint made in the petition was, that Lord Aylmer was continued in the Government.

Petition laid upon the Table.

HOUSE OF COMMONS,

Tuesday, March 24, 1835.

MINUTES.] Petitions presented. By Mr. HUME, from the Market Gardeners of Middlesex, for a Settlement of the Tithe Question.

BREACH OF PRIVILEGE.] Sir Edward Codrington rose to complain of a breach of privilege. In a discussion on the Chatham petition, on Friday last, he had felt called upon to take part, and the observation he had made was, that great intimidation had also taken place at Devonport, which he considered was very much to be attributed to Mr. Dawson, the Secretary to the Admiralty, having hoisted the Admiralty flag, while the General commanding the Marine force had also taken a principal part in the election. He had distinctly stated that Mr. Dawson hoisted the Admiralty flag, but he did not state that he had canvassed under the Admiralty flag. It had been attributed to him in *The Morning Post* that he stated distinctly that the canvassing took place under the Admiralty flag. He had not said so, and the fact might easily have been ascertained by application to himself, for he could not say so, because he knew it was not the fact. In consequence, however, Mr. Dawson had written to him saying that such a report was to be found in the newspaper, and giving it a flat contradiction. He gave it a flat contradiction too: he told Mr. Dawson that he had not said so, nor had he said another thing that was charged upon him in *The Times*. Not conceiving that Mr. Dawson meant, without communication with him, to send the correspondence to the newspapers, he had made an observation in his reply, which, perhaps, he should not have inserted, had he known what use would have been made of it. He should have thought that Mr. Dawson would have called upon him to correct the mis-statement in the House; instead of that, that gentleman sent the correspondence to the newspapers. In consequence, all the representations of the different newspapers were found in *The Morning Post*, accompanied by certain observations, which he (Sir Edward Cod-

rington felt it his duty to report to the House. He was very delicate upon the subject: he would rather put up with trifling mistakes than call people to account for them: he was not so easily discontented in that way, and never, hitherto, thought of bringing any matter of the kind before the House; nor should he have done so then, but for the observation that he would be liable to imputation did he not notice them, as the person who had taken this liberty would say that he was afraid of meeting the question fairly. He would read the paragraph of which he complained for the information of the House:—"We assert, in reply to this, and shall abundantly prove, that our report of Sir Edward Codrington's speech is substantially correct, and that this gentleman in impeaching its correctness, has had recourse to direct and wilful falsehood, or to an equivocation so mean, dirty, and pitiful, that in comparison with it, even direct and wilful falsehood becomes a respectable and manly vice." He had introduced this subject merely that he might be protected from a repetition of such attacks; he did not, therefore, mean to make any motion, as he was very indifferent about the matter, but should leave it in the hands of the House.

Lord John Russell observed that no man was usually more unwilling than himself to bring a breach of privilege before the House or to complain of unintentional mistakes, committed by the gentlemen who report for the press, or to find fault with a hasty expression escaping from those who write for the sake of attracting public opinion in their favour; but what had recently been read by the hon. and gallant Admiral seemed to call for particular notice. He would take the liberty of reading it again, that the House might be more fully aware of its import:—"We assert, in reply to this, and shall abundantly prove, that our report of Sir Edward Codrington's speech is substantially correct, and that this gentleman, in impeaching its correctness, has had recourse to direct and wilful falsehood, or to an equivocation so mean, dirty, and pitiful, that in comparison with it, even direct and wilful falsehood becomes a respectable and manly vice." He had always thought it very unadvisable to proceed with questions of this sort when the passions might be in any degree excited in favour of the complaining Member, and against a party who did not belong to the House; but entertaining the opinion he did of the paragraph, he should think it

necessary to bring it before the House, as a breach of privilege, to-morrow.

COMMUTATION OF TITHES, (ENGLAND.)]

On the motion of the Chancellor of the Exchequer, that part of his Majesty's Speech, recommending the Commutation of Tithes in England and Wales, was read, and on his motion, the House resolved itself into a Committee to take it into consideration.

The *Chancellor of the Exchequer* then proceeded to state that he was about to call the attention of the Committee to a matter of not mere party consideration, but involving considerations of much general importance, attended by great complexity of details, and affecting to a considerable extent the interests of the community at large. He was about to submit to the consideration of the Committee, a measure for facilitating the settlement of the Tithe Question in this part of his Majesty's dominions, an object, the attainment of which was equally desired by both sides of the House. If he were not to approach this question with great diffidence as to the merits of the plan which he had to propose, and great anxiety as to its results, it would argue the greatest indifference on his part to the opinion of the House and the public, or the greatest confidence in his own powers—a confidence quite unwarranted—when the magnitude, the delicacy, and the complication of the subject were considered. It had been felt, for years, that the settlement of this question was a subject of the highest importance to the country. He was not, however, going to enter into a long detail of the history of this question, or to weary the House by a pedantic display of learning; for, looking at the litigation caused by tithes—looking at the variety of interests the subject embraced—considering the effect the levying of tithe had on cultivation, and the manner in which it operated to the discouragement of agriculture—he should take it for granted that there was nearly an unanimous feeling in the House, that a change should be made in the mode of levying tithe. At different periods, there had been different plans proposed for the accomplishment of this object; and although it was not his intention to enter into any minute dissection of the various schemes which had been submitted to the House, still it was necessary that he should take a short review of some of the latter measures proposed for this purpose. If he found that the principle or provisions of any one of those measures were prefer-

able to those embodied in his own plan, he should not hesitate to adopt them, and to engraft them at once on the Bill he intended to bring in, since it was impossible to prepare a plan for such an object without great distrust in his own powers, and great anxiety as to the probable results of the measure. In some of the former plans which were submitted to Parliament, with a view to the settlement of this great question, it had been proposed that the tithes should first be valued, and that after a valuation had been taken, a commutation for the payment of the tithe should be made in land, or by a payment in the nature of a corn-rent. Without going into the details of those plans, he apprehended that a measure based on those principles would not at present give satisfaction. If, again, he were to bring forward a measure which would recognise any principle that excluded all consideration of the forbearance of the clergyman in levying the tithe—a measure which should be founded on the abstract value of the tithe taken, solely with reference to the crop—he apprehended that the great body of the tithe-payers would protest against that mode of settling the question, and would entreat to be left in the situation in which they had been found. He believed it was generally acknowledged that in any agreement made for the composition of tithe practically, the clergyman of the Church of England exhibited much greater forbearance than the lay impropiator. He said, then, that on account of the opposition which would be offered to this principle by the payer of tithes, the insertion of such a provision would, at once, obstruct the success of the measure. He would next advert to the propositions on this subject submitted to the House, in the years 1833 and 1834, by a noble Lord, then a Member of the House, the late Chancellor of the Exchequer, who had paid great attention to the subject—was perfectly acquainted with its details, and was deeply interested in its successful and final settlement. He had deemed it his duty to attend carefully to the provisions embodied in those plans, and if, on a comparison with his own, he considered the principles they contained better adapted to the accomplishment of the object proposed, he should have felt no hesitation in adopting them; and if Lord Althorp were now a Member of this House, he should hope for his concurrence and assistance, in perfecting the measure he was about to introduce. That noble Lord, in the year 1833, attempted to settle the ques-

tion by proposing a voluntary arrangement for the payment of tithe, between the parties interested. It was intended by that measure, to give them the liberty to enter into a voluntary and amicable arrangement, which was to last for a year; but after that year had elapsed, it gave either party the power to appoint a valuator for himself, and to call on the other party to appoint one on his own behalf, and then it provided that the tithes should be valued on the basis which these valuator, so appointed, might propose. The noble Lord, however, felt the difficulty that would result from this arrangement; and it was subsequently proposed, that the average payment for tithes, of the last seven years, should form the basis of composition. The Bill was so far compulsory in its enactments, that it made it necessary that the actual payment of tithes, taken on the average for the last seven years, should form the unvarying basis of the measure. But the objection raised against this plan was, that there were very different degrees of forbearance or discretion—call it what they pleased—exhibited in levying tithe. In some parts of the country, and under certain circumstances, great severity had been exercised in collecting it, while in other places, and from the operation of local circumstances, or from the lenity of particular clergymen, great indulgence had been shown to the tithe-payer. There was, consequently, a very great difference between the rates of tithe paid by the tithe-payers of different places in different parts of the country. The details of this Bill came under the notice of the Agricultural Committee, and they appeared to that Committee, altogether most objectionable; and the noble Lord, at a subsequent period of the Session, declared that in consequence of the objections made, not on the part of the tithe-owners, but of the tithe-payers, he would withdraw the compulsory part of the measure; and afterwards abandoning the rest of the Bill, the law remained unaltered. In 1834, the noble Lord proposed another Bill for the settlement of the same question. He openly avowed, that so little did he feel any party-considerations to be involved in this measure, so little was he prejudiced in favour of the plan which he had devised, that though he thought his measure better than that of the noble Lord, if any hon. Member, on reflection, considered the noble Lord's plan preferable, he should be foremost to express a hope that that Member would give notice of his intention to bring that measure forward again,

in order that the two Bills might be compared together, and that the House might be enabled to adopt that which was, on the whole, best fitted to accomplish the professed object of both. The Bill of 1834, brought forward by the noble Lord, was drawn with great care and attention; and the object which it contemplated was the commutation of tithe for a money payment. The Bill was rather complicated in its provisions; but though the details were numerous, and the subject exceedingly dry, he must entreat the attention of the House, while he attempted to explain in what respect the principles of that measure differed from the one he meant to propose. That Bill included three objects—first, the substitution of a money payment in lieu of tithe, which money payment was to bear a fixed proportion to the rent payable on the land. The Bill then gave a power of redemption to the owner of the land, after the money payment was determined upon, on paying a certain number of years' (he thought twenty-five) purchase. In case that redemption did not take place, there was then a power to convert the money payment into a rent-charge, which was to be permanently settled on the land. The mode in which that was to be effected was this:—The Secretary of State had a power to appoint valuers, in districts which he had a power to constitute. He was to authorize the division of the county into certain districts, and in each of those districts to appoint a valuer of tithes and a valuer of land. That valuer, so appointed, was to fix a value upon the land in each parish within the district to which he was appointed. He was to divide the whole of the land into two classes; first into arable land, and then into that which was not arable, and which, though not pasture, he should, for the sake of being understood, call pasture-land. The arable land was to be that which had been under tillage for the five preceding years. The valuer was then to ascertain the amount of the tithes which had been paid on each description of titheable land in each parish. He was not to value, but to ascertain the actual amount of tithes which had been levied during the five preceding years, and to determine what amount of tithes, so ascertained, properly attached to the land which was arable, and that which was not. These awards from each parish of the district, (the values and amounts to which he had adverted having been ascertained), were to be transmitted to the quarter-sessions. Then a mean was to be selected between

the amount of tithes payable for each quality of land, and an average struck of what the rate of substituted tithe was subsequently to be. This tithe-rate was to be applicable to the whole of each sort of land in the district. Supposing the mean for arable land, upon ascertaining the amount in each parish of the district, and the mean for pasture, to be 5*s.* and 2*s.* 6*d.* in the pound, then the proportion of rate in proportion to the amount of rent, was to attach for a certain period. From the amount of tithe, however, which had been actually paid, the amount of rates and charges was to be deducted in each case, and the actual amount of tithes, after such deduction, was to be the basis of the collection of tithe payments. It appeared to him, after the most mature consideration, that there would be great obstacles in satisfactorily executing such a measure. In the first place, there was that degree of complication attending it which would make it very difficult to work it satisfactorily. In the first place, there was to be a valuation of the annual profit of the land in each parish of every particular district. Now, unless in making that valuation great care were taken, there would be very uncertain results; because he apprehended that the value of a farm or land could not be ascertained with reference merely to the quality of the land, or its productiveness; the considerations that influenced a tenant in holding the land were of some importance, an inquiry into the state of the buildings on the land, and into many other minute particulars would be necessary; and this sort of information being to be collected with respect to every acre of titheable land throughout the country, it would be almost impossible to come at perfect accuracy. The consequence could hardly fail to be, that ground would exist for innumerable remonstrances and complaints. The second difficulty which he apprehended was this:—The tithe was not to be valued by the valuer; the valuer was to determine what was the amount of the tithe for the five preceding years, and to apportion that amount of tithe to the arable land and the land not arable. The valuer, then, was to apportion the total amount of the tithe collected to the arable and pasture land in each parish. Now, he believed that great difficulty would be practically found in making that apportionment. It might be easy to determine the amount of tithe received from any given farm, but it would be very difficult for any valuer—a stranger, perhaps, to that part of

the country—to determine what was the amount of the tithe which had actually, for the last five years, been paid for the portion that was pasture land, and what the amount actually paid for the portion that was arable. It should be observed, that the valuer was not to determine what amount ought to have been paid, but what had been the actual payments on account of tithe, and what the payments on account of the arable land, and what those on account of the pasture land. This, however, it was necessary to ascertain before the tithe-rate could be determined. He came now to the third difficulty. From the amount of tithe so determined, the total amount of which was to constitute the tithe-rate, in each parish the poor-rates and charges were to be deducted. But the rates and charges varied so much in different parishes that, after having so deducted, in the case of each parish, the rates and charges, when they came to apply the invariable rate in districts, they would find that in many parishes in which the rates were low, people would be complaining of the amount of tithe fixed on them, while those in which they were high would, comparatively, be greatly benefitted. It appeared to him, therefore, that these were serious difficulties in detail in the way of satisfactorily carrying into execution this plan. But, suppose those objections to be obviated—suppose that the payments on account of tithe for the last five years were precisely ascertained, there would even then remain considerable difficulty. The returns were to be made to the quarter sessions, and the district to which the tithe rate was to be applied was not to be determined with reference to the value of the land, but was to be the county district—the division in which certain justices of the peace acted. Now, it was clear that that was a totally arbitrary assumption, or division without reference to the quality of the land; and these districts included land of different qualities. Under these circumstances suppose they had valued the land accurately, the tithe-rate might have given great dissatisfaction. It was possible, that, if they spread the total amount of the tithe over the whole district, the result might have been fair to the whole body of the landowners and the whole body of the clergy; but that was not enough. If, in any one district, the result was, to aggravate the tithe, it would be no consolation to the particular parish whose burden was so aggravated, to tell them that the balance

was fairly struck, and that they would find that in a corresponding parish the tithe was proportionately small. To refer them to the more fortunate state of their neighbours would, in all probability, increase their dissatisfaction. But he very much doubted if the House could assume the general principle with respect to a large district, of a fixed population, between the amount of tithe and the amount of rent; that must depend upon two considerations, which were entirely distinct from each other. The amount of the tithe was determined by the produce of the land: the amount of the rent was not determined by the actual produce of the land, but by the expense of cultivation. Let them suppose the case of one farm of a certain extent, that produced, say 100 quarters of wheat, which would sell for 300*l.*; and let them suppose that the expense of cultivation on that farm was only 200*l.*, that would leave a clear profit of 100*l.* to remunerate the farmer, out of which the rent would be paid. Let them next take another farm, exactly equal in its extent, and which produced exactly the same quantity of corn, but the expense of the cultivation of which was 250*l.* instead of 200*l.* The amount of the tithe being precisely the same in both instances, the proportion which the tithe would bear to the profit would be as twenty to a hundred in the one case, and twenty to fifty in the other. It was not necessary to calculate all the propositions; the principle applied universally. It appeared to him that the principle which assumed a fixed proportion between the rent and the tithe, and applied that universally, must be subject to the objection he had just stated, and must preclude the satisfactory operation of any Bill founded upon it. Let them take what districts they would, and let the Quarter Sessions come to what decision they might, it would be found that the value of the land depended so much on the quality and the expense of cultivation, that, though the difference might not in general be so great as in the example he had quoted, still the consequence of such a plan would be to reduce the amount of the tithe in some parishes, and raise it in others—injuring some farmers, perhaps ruining them, and conferring a corresponding advantage on others. He would take a district in Sussex by way of illustration, which included soil on the north side of the Downs, and soil on the south side. There was a great disparity between the value of the land in these two divisions of the county,

and also between the amount of the rent and the tithes; notwithstanding this, however, the average must be struck from the estimate of the whole value of the land and the amount of the tithes. The consequence, therefore, would be to apply a rate which would reduce the amount of the tithe raised in the parish which had the rich land, and increase it in the parish which had the poor land. The result would be exactly the opposite to that which, on the whole, was desirable. Suppose that on the light land on the north side of the Downs, the rent of which was 9s. an acre, the value of the tithe was 3s.; and suppose that on the land on the south side of the Downs, the value of which was 40s. an acre, the amount of the tithe was 4s.; if they supposed that these two parishes were a fair estimate of the parishes on each side of the Downs, and if they took the whole amount of the value of the land, and the amount of the tithe payable, and struck a mean between them—if the value of the tithe were 3s. an acre, and the land were worth only 9s.—the payment would be more than 1s. 8d. in the pound; but if the tithe were 4s. an acre, and the land were worth 40s., then the payment would be only 2s. in the pound. Thus it would be found that an attempt to strike an average between the two, and apply the principle uniformly throughout the district, would be to increase the amount of tithe received by the owner of the tithes in the poor parish, and to diminish the amount received by the owner of tithes in the rich parish. The result would be, that in those very parishes in which the tithes were at present not sufficient, and required an increase, they would be reduced, while in the parishes most distressed, and in which they were most onerous, they would be increased. He believed that any measure which called on parties to pay an increased amount of tithe would create so much dissatisfaction, that nothing would reconcile them to it. In fact, if the result were to increase the burden of tithes, there would be a degree of dissatisfaction which no reasoning as to the general advantages of any measure would be sufficient to allay. On account, then, of the complication of the plan, of the difficulty of applying it universally, on account of a part of it being to raise the tithe in some parishes and diminish it in others, and the dissatisfaction which he believed would be the consequence, after mature reflection—for he begged to assure the House that he was

in no way prejudiced against the measure on account of the quarter from which it emanated—taking all these circumstances into consideration, he retained the opinion he expressed when the measure was originally proposed to the House. He still thought it was possible that some other plan might be suggested less apparently extensive, and less complicated, which might, on the whole, give more satisfaction. He had stated his reasons why the plan which he had to propose was not founded—first, on the actual valuation of tithes—secondly, on a mere reference to the average receipts for the last seven years, and—thirdly, on the principle of the noble Lord, who assumed a fixed proportion between rent and tithes, and applied it universally over a given district. Having excluded these three principles, the question was, on what principle could any other measure be founded? He had no hesitation in saying, that the principle which he had always considered preferable to any other was that of giving the most perfect facility and the greatest possible encouragement to the voluntary commutation of tithes. In the first place, in favour of the voluntary commutation of tithes, he would refer to a document which had been presented to the House by his right hon. Friend, the Member for the University of Cambridge. It was an account of the several parishes in England and Wales in which the commutation of the great and small tithes had been authorized by any Act of Parliament, distinguishing those cases in which allotments had been given in lieu of tithes. Before hon. Gentlemen formed an opinion on this subject, it was important that they should examine this document, in which they would find an account of the number of private Acts passed from 1757 to 1830. The paper was drawn up with great care, and, amongst other things, specified whether land was allotted, whether there had been corn-rents or money-payments, whether the commutation was for small or great tithes or for all tithes, and also whether or not the parish to which reference was made was a parish in which there had been any new enclosure. The House would, therefore, be able to judge of the extent to which commutation had taken place in the new enclosures. It appeared that in upwards of 1,000 parishes there had been voluntary agreements, under which a commutation of tithes had been effected. Now it might be recollected that such agreements were subject to the great,

est difficulties, and to a very great expense. In each of the cases there was first the labour to be undertaken of procuring a private Bill, and next there was the cost of such a measure. On some of those Acts a sum of not less even than 2,000*l.* had been expended. He proposed to remove that impediment of the labour, and to put an end to the expense; having done which, he could not help thinking that great inducements would exist for the establishment of voluntary commutation; and he believed that a great progress would speedily be made in carrying it into effect. Taking into consideration the facts, that in some parishes a *modus* had been adopted, that in some there were small tithes, and in others great tithes; that in some there were three or four parties entitled to the tithes, such as the vicar, the rector, and the lay impropriator, each entitled to his share—considering all these circumstances, he was afraid it would be difficult to lay down a general rule by which any party having to arbitrate between these different claimants, could decide at all satisfactorily what was due to each. Then what was the rule that he would lay down? He proposed to call in aid the principle of justice, he proposed to enable parties to determine the question for themselves; and the rule if universally applied might preclude the necessity of application to the law. The rule he would recommend was that of local knowledge, a sense of common interest, a desire to effect a settlement, a disposition to remove all difficulties, and to get rid of the expenses. Such a rule was applicable to all the different circumstances of various parishes, and he thought would succeed better than any other. It would give great encouragement to commutation; but would facilitate it on a new principle. He must, however, explain some of the means by which he proposed to assist in effecting this object. In the first place, he proposed, if the Legislature would sanction it, a Commission of persons, who should superintend the whole, and the smaller the number of persons who should compose the Commission the better; and that the Commissioners should have the power of appointing an assistant-Commission. He would propose also, that every parish in this country, after due notice to the tithe-owner and tithe-payer, should be entitled to meet for the purpose of considering the possibility of effecting an amicable settlement. Parties might be allowed to meet without such a notice; but he thought it would be better for a notice to

be given in every case, for the purpose of inviting all interested—to whom the assistant-Commissioners would communicate their views—to attend. He believed, that one reason why commutations had not been more frequently made was this—though many might wish to have the advantages to be derived from them, and be desirous of seeing them effected, still what was every body's business was no one's: others might be terrified by the Tithe Act—some were ignorant of the form of application to Parliament for an Act. Then there were parties whose interest would tempt them to make an effort with such a view, but the trouble, labour and difficulty of procuring the consent of individuals, as everybody must know who had been at all engaged in local business, were enough to deter from exertions for the public good. He would invite, therefore, after due notice, a meeting of the tithe-owners and the tithe-payers, and he would empower the Commissioners to send down an assistant-Commissioner possessing a full knowledge of the law on the subject to be present at the meeting to hear their complaints—to explain the law to the parties and explain to them the principles on which they ought to act. He would not bind the assistant-Commission to any particular terms, but to look at all the circumstances, to be in one sense merely *amicus curiæ*, to suggest what might appear to be right, and then to leave it entirely to the parties. He would provide, that in case two-thirds in point of value of the tithe-payers should agree with the tithe-owner, then that their consent should bind the other tithe-payers. If the tithe-owner, however, and two-thirds of the tithe-payers should consent, still he would not allow that to be valid until after it should have been submitted to the Commissioners in London, who should review the circumstances in order to prevent fraud and collusion, and after giving their consent, that decision he would enact should be final. He would then propose that the money payment for substitution should be what was commonly called a corn-rent in lieu of tithes, which corn-rent should be subject, at the option of each party, to a periodical revision, and should vary only according to the price of corn. He was not disposed to take the price of wheat alone for it had not of late borne a fixed proportionate value to the value of other corn, but would take the periodical variation of the money payment in the shape of corn-rent, to be determined by a reference to the

price of all descriptions of grain, corn, wheat, and barley. He would not impose on any parish the necessity of the attendance of the assistant Commissioners; if the parishioners could, by an amicable arrangement, come to a settlement amongst themselves, there was no reason why they should not be allowed to do so; but he would not permit the agreement to be binding till it had received the assent of the Commissioners. Where the living was not in the Crown, but in the hands of the dignitaries of the church, it would be necessary to get the consent of the Bishop; but that there might be uniformity, the whole must be under the control of the Commissioners, and the Bishops should be represented to a certain extent, by giving the appointment of one of the three Commissioners to the church, or by the application of some general principle of that law. Where the amount of corn-rent might be to be determined, of course it would be necessary that there should be an assessment, and that should be made by the authority of the assistant-Commissioner. He also proposed, in the case of a modus, to allow the parties to refer the matter, by way of arbitration, and for the purpose of an amicable arrangement, to the Commissioners in London; but if they required it, he would not debar them from the privilege of the ordinary proceeding. What he intended to offer was, that the parties might have their cases decided by the commissioners without incurring any expense. Seeing the number of cases in which, by the consent of both parties, land was granted in lieu of tithes, he would permit, with the consent of both parties, in any given time, a portion of land to be set aside in lieu of a money payment; but the substitution should wholly be in the first instance a money payment. The remedies he would give for the recovery of a rent-charge would be by action or distress, or a summary remedy by the magistrates, if the sum were below a certain amount. In the case of lands on lease, he would permit the tithe-rent to be paid by the lessee, allowing him to deduct the amount so paid from the head landlord. The period he should propose for periodical revisions should be every seven years. In order to provide for changes in the value of corn, it should be allowable for either party to vary the amount of the corn-rent according to the average prices of corn for the preceding seven years. He intended to limit the operation of this Bill to five years, giving it only such further continuance as was necessary for the purpose

of completing any agreements that had been made under it. When he reflected that by the measure he submitted to the House, each party, the tithe-owners and the tithe-payers in every parish, would be free from the expense and trouble of applying to Parliament for a private Act, he could not help thinking that the effect would be, to afford such great facilities that, general attention being once directed to the subject, the commutation of tithes would be adopted on the most satisfactory principle, he meant by mutual and voluntary agreement, in great numbers of instances. At first, he dared to say, the progress made would not be considerable; there would probably be some angry discussion and some extravagant claims on either side; but the measure would, at all events, succeed in some few instances, and the advantages attending the arrangement becoming known, he had no doubt that it would be generally adopted. The assistant commissioner being able at his next visit to give a satisfactory account of the benefits derived from it in other quarters, the fair conclusion was, that such representations would have their effect. His expectation was, that long before the expiration of the tithe commutation commission, an amicable commutation of tithes would be effected in most parts of this country. He felt sure, at least, of this, that the arrangement would be found far more efficient than any plan for compulsory commutation. If it were only the actual experience to be gained by this measure, if it were only the knowledge to be acquired of what would satisfy each party, he thought that would be a sufficient inducement to the Legislature to pass this Bill. It would, at all events, enable them, in the case of parties who had declined to avail themselves of its powers, to determine what would be the most equitable principle on which to found a compulsory commutation. He thought it desirable to make this Bill as simple and intelligible as possible. The object was to get a fixed money payment in lieu of tithe, and thus to put an end to the discouragement of agriculture—to that discouragement of improvement which arose from the uncertain payments, and the demand for increased tithe in proportion to those improvements. He did not propose, therefore, to burden the measure with the question of redemption. First let them get the commutation, hereafter they could determine as to the manner in which the redemption should be effected. He did not think it necessary to detain the House

longer; the details would be best ascertained by a reference to the Bill itself; if he went into them he feared that he would be rendering his statements too obscure. By consenting to this measure, the House would facilitate the commutation of tithe, leaving the matter to be decided by the common and voluntary consent of parties chiefly interested, while at the same time an effectual security would be provided, inasmuch as it would be subject always to the control of the commission, in the constitution of which he gave the church a voice, in order to prevent any injury to its interests. In adopting that course he hoped that a foundation would be laid in the safest and most satisfactory manner for the settlement of a question which had been the theme of discussion for ages, which had been productive of great expense in the shape of litigation, and had, he was afraid, been the cause of much local irritation, which he was convinced had only been prevented from breaking out into serious mischief, by the forbearance and temperate discretion of those who were interested in the levying of tithes. It was impossible, as he had already observed, to read the testimony of those who were most personally conversant with the operation of tithes in all their bearings, without feeling satisfied that the conduct of the clergy of this country as a body, in respect to the collection of tithe, entitled them to the character of the greatest liberality; having, in fact, sacrificed every personal and pecuniary interest to their desire and anxiety of maintaining a relation of friendly good-will among those over whose spiritual interests they were called to preside. It was because he felt that the landowner had a chief interest in the arrangement of this question, and because he felt convinced from past experience that the clergy were desirous of seeing it settled in a manner which, consistent with equitable principles, might be fruitless of litigation and unhappy collision with their parishioners, that he entertained a confident hope that the surest mode of laying the foundation, if not for an immediate, at least for a speedy and permanent settlement, was to be found in the amicable compromise and voluntary agreement of both parties immediately interested. The right hon. Baronet concluded by moving the following Resolution:—"That it is expedient to give facilities for the commutation of tithe in the several parishes of England and Wales, and for a payment in money in substitution thereof, to be charg-

ed on the titheable lands in each parish—such payment to be subject to variation at stated periods, according to the prices of corn; or for the allotment of land in lieu of tithe in parishes wherein the parties concerned may consent to such allotment."

In answer to a question by Mr. John Stanley,

The *Chancellor of the Exchequer* stated, in reference to the constitution of the commission, that the Archbishop of Canterbury should have the appointment of one member, and the other two commissioners should be nominated by the Crown. It was not necessary that the members should be clergymen.

Mr. *Gisborne* wished to know whether the decision of the commissioners as to moduses should in all cases be conclusive, or whether, when parties wished, there might not be an appeal to another court?

The *Chancellor of the Exchequer* said, that the question of moduses had been very much narrowed by the late Lord Tenterden's Act. His desire would be to leave the matter always to the consent of parties. If they wished to avoid expense, he would encourage them to be guided by the commission; but if they insisted on a trial by jury, there would be no objection.

Mr. *Lennard* was anxious to put two questions to the right hon. Baronet. The agreement, it was proposed, should be signed by two-thirds of the parishioners; but the payment agreed to was to be fixed in the parish for ever. Now, those two-thirds might consist of persons who were tenants with but a temporary interest in the land, and only holding leases for short periods; was it not too much, then, to give them a power of imposing on that land a sum of permanent and lasting amount? There was another point which always struck him as of considerable importance in relation to the Tithe Question. The right hon. Gentleman stated, that the fixed payment on the land should afterwards vary every seven years according to the value of corn; now, at first sight that seemed a very fair, equitable, and unobjectionable mode of proceeding; but there was an objection to it which had been urged several times last year, especially by the right hon. Member (Mr. Baring) for the county of Essex, and which he hoped the right hon. Baronet would have the kindness duly to consider. The objection was this: supposing the rate of tithe placed on land with reference to its productiveness, and fixed for ever by a corn rent, if the land in all time to come

remained equally productive, it would be a perfectly fair mode of assessment; but, as the right hon. Member for Essex had stated, in that county there was a great quantity of land which by a very artificial process had been brought to produce very large crops. If, by any change of circumstances, that land should hereafter not be so highly cultivated, and produced inferior crops, the permanent rate proposed by the right hon. Baronet would be a grievous burden on the land. Then, if the corn-laws should be repealed, any fixed payment on land, according to the present mode of producing corn, would be a very great grievance. On what ground was the repeal of the corn-laws advocated? The great object proposed was to enable the people of this country to buy corn cheaper, and the consequence would be to throw a great portion of land into grass cultivation, which, although producing a crop much less valuable than corn, would remain charged with a payment to the clergy equally high as before. He threw this out merely in the shape of a suggestion for the right hon. Baronet's consideration. He highly approved of the experiment which was about to be tried, thinking, as he did, that the voluntary system of commutation was encumbered with fewer difficulties, and liable to less objection, than any other which had been promulgated in that House. The question was one of great importance to the landowners of the country, and if the difficulties which he had suggested could be got over, the plan which was proposed would in his opinion, go far towards effecting a permanent settlement of this much agitated question.

The *Chancellor of the Exchequer* said, the first question was, whether the occupiers of land, having only a temporary interest, could subject the land to a permanent charge. Now, his proposition was, that the consent of two-thirds in value of the landowners should be obtained; and in the case of the occupier of land, he was bound to give notice to the landowner before the agreement of two-thirds could be ratified. The second objection originated in the possibility of land varying in value, but that would apply to all leases and corn-rents. The security against injustice in this case was that it was a voluntary commutation. The duty of the parties themselves would be to consider all those matters which referred to the possible change in the value of land, &c.; and act accordingly. But the experience of five years,

to which the act would be limited, might enable them better to determine what compulsory principle the Legislature should apply in cases of that kind. His opinion was, that the charge should depend, not so much on the actual value of the land, as on the value of the tithes likely to be derived from it.

Colonel *Wood* said, that the objection of the hon. Member for Maldon did not apply with any force to the plan of his right hon. Friend. He seemed to think, that lands which fell off in value would remain subject to a higher charge, but it should be recollected that the plan would protect land in an improved condition by the application of capital. The great argument against tithes at present was, that they formed an impediment to all improved cultivation; because, whenever capital was applied, the tithe-owner came in and took advantage of its application. The plan of the right hon. Baronet completely protected the landowner against that great inconvenience, because, the tithe being now fixed, any improved value given to land in consequence of the application of capital did not increase its amount. Setting this advantage, therefore, against the objection of the hon. Member for Maldon, the balance certainly would very much preponderate in favour of the improvement of land instead of its prospective deterioration. The measure was likely to give very great relief to the agriculturists, and the voluntary principle on which it proceeded would not only give great facilities to the commutation of tithes, but be greatly satisfactory to all parties.

Mr. *Cullar Fergusson* was much afraid that any plan other than one of a partly compulsory and partly voluntary nature would not secure the object the right hon. Gentleman had in view. In his opinion, the history of Scotland about two hundred years ago, supplied a model for a plan of tithe settlement as little liable to objection as any that could possibly be devised; and he regretted the right hon. Baronet had not had his attention directed to it before he came down with his present proposition. The plan to which he alluded he would briefly state to the House. The difficulty of ascertaining the value of tithes in Scotland having occasioned great dread of perplexity and confusion it was agreed by all the great landholders, by the taxmen or leaseholders, and by the clergy, that the matter should be referred to their Sovereign, accompanied with a request that he should

fix some principle by which the assessment should be in future regulated. Charles the First, the then King, complied with the request, and, after considering the question maturely, made an award, a copy of which would be found in the library of the House, and which, in his estimation, laid down the very best possible principle on which a settlement could be based. By that award, it was provided that every owner of land, and every taxman or leaseholder, should have the power of bringing the tithe-owner before a Commission, which should be possessed of authority to value the land both as against the clerical and lay proprietor. The only difference, indeed, made between lay and clerical impropiators was that the settlement with respect to the former should be permanent, and accompanied by a provision that the tithe-payer might redeem the tithe, and which, in the case of clerical tithes, it being considered that they constituted the fund for the maintenance of future clergy, a rent-charge on the land was substituted. The result of the adoption of this plan was that in the course of three years, there was no such thing as tithe collected in Scotland. This award, which was a matter of history, he thought well deserving the attention of the right hon. Baronet, whom he would seriously recommend to consider whether he could not in the measure he was about introducing to Parliament devise a mixed plan of compulsory and voluntary commutation. The right hon. Baronet's plan, however, as it now stood, contained a vast deal well worthy the consideration of the House, and he, for one, was quite prepared to give it the attention its importance merited. He thought, nevertheless, that the people of England expected a measure far more decisive than it appeared they were likely to obtain from the Government. The English farmer was expected to be able to say, "in a few years I shall have my land tithe free;" and he was sure any measure which tended to disappoint that expectation would not meet with general approbation.

Mr. Rolfe did not intend, to offer the slightest opposition to the plan for the settlement of a question, considered on all hands difficult, on which the right hon. Baronet, (the Chancellor of the Exchequer) had made an able and useful statement to the House. Though it might be better to reserve his observations for a future stage of the measure, he would make one or two remarks which occurred to him. He ob-

jected to the voluntary principle of the measure, which he thought would prove nearly, if not absolutely, ineffectual. He would ask, what prospect was there of individuals commuting for a corn-rent? He thought there was not one in twenty that would do so. He would refer to a circumstance that happened at Stoke-upon-Trent about ten years ago, and the hon. Members for that place could confirm the statement, if they were in the House. That place was troubled with an almost infinite amount of litigation on the subject of tithes. To avoid that, an Act was passed to give an authority to commute for tithes; and he thought if there had been a spot in the kingdom where that object would have been gladly promoted, it was Stoke-upon-Trent. To a great extent, the Act took effect. [*"Hear!" from the Chancellor of the Exchequer.*] The right hon. Baronet (the Chancellor of the Exchequer) cried "hear," but how was it—by giving money or by giving a corn-rent? Not a single individual would commute except through the first means. Commutation was not popular with a corn-grower for a corn-rent, he would rather remain subject to the tithe than be subject to a corn-rent. The provisions of the Bill proposed by Lord Althorp last Session had been ably stated by the right hon. Baronet. There was, however, one provision of that Bill which the right hon. Baronet would do well to notice, namely, that after the process had been gone through of ascertaining the corn-rent, it was left in the option of the landholder to get rid of that corn-rent, if he thought proper. Unless that was too hard to act upon in the present measure, labour as they might they would only arrive at an approximation to justice. They must adopt something similar to it. The right hon. Baronet (the Chancellor of the Exchequer) had assumed a fallacy in his observations on the measure. He had stated it as if it were merely a question between the receiver and the payer of tithes. It was more than that; it was a national question; and it was the interest of the country to get rid of it. With reference to the consent of two-thirds of the tithe-payers binding the remainder, as proposed to be provided by the measure, he did not see how they were to ascertain that they had obtained the requisite number. [*The Chancellor of the Exchequer:* "By the same means as under the Inclosure Act."] He did not mean to say, there were not means of ascertaining the number; but he could

assure hon. Gentlemen there would be great difficulty of putting it in a particular form. He would give the measure his best attention and support.

Sir *Robert Inglis* approved of the plan which his right hon. Friend had submitted to the Committee on two grounds. First, on the ground that the working of the Bill was to be voluntary; and, secondly, that it was to be but a temporary measure. It was a great experiment at best, and he was free to confess that his right hon. Friend, in suggesting a plan which could only be tried with the consent of all the parties interested, had taken the course which appeared to him most likely to lead to a satisfactory result. He did not deny, that the question of tithes had created a great deal of attention out of doors; but, with all due deference to the opinion of the hon. and learned Gentleman who had spoken last, he would contend, that the parties who received, and the parties who paid tithes, were the only persons whose interests the House had to consider when deliberating upon the question of commutation. If he differed from any part of the right hon. Baronet's speech it was that in which he expressed an opinion that concession ought to be made to those who were willing to take tithes at less than the actual value. He had always looked upon tithes as property, and considered that they should be dealt with exactly like land. If any Gentleman should tell him that in purchasing an estate, he would proceed to its valuation not on a survey, but on the statement of rent received, he would not be surprised at his valuing tithes by a similar test. But he could not conceive on what principle a Gentleman, who, in purchasing an estate would not be content with a tenant's statement, but would insist upon a survey, should require the Church to surrender its property for less than the amount at which it was valued. He sincerely rejoiced at the prospect of settlement which the measure held out, and he was glad to perceive by the tone of the House that, as far at least as its principle was concerned, it was not likely to meet with opposition.

Sir *Matthew White Ridley*, while expressing his readiness to entertain any plan promising to effect a settlement of the Tithe Question, could not refrain from stating his apprehension that the plan proposed, proceeding as it did on the principle of voluntary commutation, would not be attended with those satisfactory consequences which appeared to be expected from it. He

doubted much whether anything short of compulsory commutation would be found really beneficial. He hailed this proposal, however, as the beginning of a most beneficial system. He should be extremely glad to see it further extended, and a system of compulsory commutation adopted. He was rejoiced to find that the present measure had been received on all sides in so favourable a manner.

Mr. *Cayley* wished to know from the right hon. Baronet, whether it was his intention to propose that the two-thirds of the tithe-payers should be computed according to numbers or to value, who were to determine whether or not there should be a commutation in any given parish? [*The Chancellor of the Exchequer*: "According to value."] It had been observed, by the hon. Baronet, the Member for the University of Oxford, that tithes were property, and that naturally suggested the remark, that no man could have a just claim to property which had neither been created nor purchased by the capital of himself or those from whom he derived; in his opinion, therefore, newly-enclosed land should not be subjected to the payment of tithe. It would, he had no doubt, be satisfactory to some hon. Members, as it would be to him, to know whether, according to the intended measure, the price of meat as well as the price of corn were to be taken into consideration.

Lord *John Russell* did not by any means undervalue the difficulties which of necessity must attend the preparation of such a measure, and though he doubted the probability of its proving effectual, he hoped, it would not be supposed that he rated too low the character of that task which the right hon. Baronet had undertaken. He admitted the proposed Bill, so far as it had been laid before the House, did appear to avoid some of the objections which, fairly enough, perhaps, had been urged against other propositions for the settlement of the question of tithes; nevertheless, he did apprehend, that any proposition for a merely voluntary contribution, afforded but little prospect of success. In his judgment nothing short of a compulsory enactment could prove effectual. Let the House only consider for a moment the circumstances under which compositions were made, and the difficulties which stood in the way of making them. The fact was, and it could not be a matter of surprise that it should be so, that the farmers and tithe-payers generally in almost every parish considered the amount of

tithes imposed too great, and the incumbents as frequently were disposed to think them too small, or fixed at no more than was fairly their due; those opposite views naturally led to disputes. No doubt, whatever, that in some places the tithe-payers might be found more reasonable than in others, and the incumbents more indulgent, and there very possibly the business of commutation might be found comparatively easy, but the chances of meeting with any considerable number of parishes so favourable to the operation of the Bill, afforded but a very slender prospect of its eventually proving successful. He did not think it was at all likely to produce the general commutation that was expected; he entertained no doubt that in many places it would be productive of great dissatisfaction—that it would not lead to the success which had been anticipated, and concluded by repeating that nothing less than a generally compulsory regulation would lead to a general commutation, and nothing less than that could be productive of any change sufficiently extensive to deserve being described as a great practical good. He felt called upon to state, then, that he had not the slightest intention to object to the motion.

Mr. *Baring* said, that there had, he need scarcely observe, prevailed, both in and out of doors, a great anxiety to obtain a settlement of the Tithe Question, and the Tithe Bills of last year received the greatest possible attention; but not one of the different schemes removed the invincible difficulty attendant, as he conceived, upon a compulsory arrangement. The measure now proposed by his right hon. Friend gave full promise of working well; it might be tried to a considerable extent, and after some experience, so to be derived, of the practical effect of its provisions, they might then with safety extend its operation further, with every hope of eventual success. One recommendation of the proposed measure would be, that it could give dissatisfaction to nobody, for none could come within the scope of its operation otherwise than by their own voluntary act. This, he thought, was a consideration which ought to have no small weight with the House. It was, of course, full in the recollection of hon. Members, that the last attempt at bringing forward a Tithe Bill had proved completely unsatisfactory, and the measure now proposed was so opposite to that, he hoped the House would agree with him that it ought to have a fair trial. He by no means con-

curred with the noble Lord opposite, or with those who agreed with him, in thinking that the circumstance of the commutation being voluntary would be at all likely to impede its progress. Were he to judge of the disposition of other parishes from those immediately around himself, he should say that the voluntary principle was of all others the best, for no fewer than six parishes all around him had acted upon it; they had all made arrangements respecting their tithes in some degree upon the principle of the intended Bill. For his own part, he entertained the most sanguine hopes of its success, and believed that a great portion of the country would act upon its provisions. It might be perfectly true, as had been suggested, that the owners of heavy soils in a very expensive state of cultivation might demur to the Bill, but that would most assuredly not prevent other classes of tithe-payers from taking advantage of the provisions of the Bill, and neither did he think that even the owners of heavy soils would exclude themselves from the benefits of the measure, for the commissioners would have power to make due allowance for all circumstances, and estimate the claims of both parties fairly and equitably, upon a comprehensive consideration of the whole case, no matter how heavy the land might be, or how expensive the cultivation; upon those grounds he would repeat, that the Bill could not, and certainly ought not, to give dissatisfaction to any body. As to the argument founded upon the assumption that the Commissioners would proceed upon the receipts of the incumbent, rather than upon actual value, he had but to observe, that the duty of the Commissioners in all cases, and he had no doubt of their being so selected as to insure the performance of their duty, would be not to sanction any thing that was not fair and equitable upon a full consideration of the case. Their business would be to hear both sides, and pronounce an impartial decision. He should not have the slightest objection to a compulsory commutation, did he not apprehend that in many cases it would operate most unequally; his wish, therefore, was to see the proposed plan in operation for some time, that the extent to which the voluntary principle could be carried might be ascertained, and what modification of it might be expected to lead to a further extension of commutation.

Mr. *Blamire* had heard the development of the proposed measure with great satis-

faction. He had always thought it far beyond the abilities of any man to devise a plan of compulsory commutation which should work fairly in all parts of the country; that which might be fair in the southern districts, might be highly prejudicial in a less-favoured soil. He was sure, therefore, that no compulsory measure, grounded on any principle which had been suggested hitherto, could be carried into effect without inflicting the grossest injustice on many parties. He was glad that the present measure had been brought forward, because it allowed the parties in a parish to make their own bargains, and then allowed those bargains to be legalized without putting the parties to any expense; and this, he thought, was all which the Legislature could do. He might be permitted to express a hope that the greatest possible care would be taken in the selection of the Commissioners—that such men only might be appointed as would possess the entire confidence of the country. He had also heard with great satisfaction the hint thrown out by the right hon. Baronet, as to the hope which he entertained that those causes and matters of litigation which had arisen, and were now in progress, in consequence of Lord Tenterden's Act, might be submitted to the tribunal which would be created under the measure, in order that they might be decided in a much less expensive manner than they could be according to the forms of common law. Having had the honour to introduce to the House last session a Bill for the purpose of staying suits of that nature, he felt some interest on the subject; and he would observe to the right hon. Baronet, that there were still a great many such suits hanging on, in the hope that when the long-promised measure of commutation should be introduced, some arrangement would be devised by which justice might be done to both parties without their incurring the expense incident upon proceeding by common law. Again pressing on the right hon. Baronet the necessity of appointing only such men to be Commissioners as should possess the full and entire confidence of the country, and thus preventing any notion from spreading about that an overweening influence in favour of the Church would display itself in the exercise of their functions; he felt himself justified in saying, that in that part of the country with which he was connected, this measure would be received with high satisfaction.

Mr. *Estcourt* said, it was impossible not
VOL. XXVII. {^{Third}
 {^{Series}}

to hail with pleasure the proposition of his right hon. Friend, which had indeed met with the high approbation of almost all gentlemen who had spoken on either side of the House. He rose to ask for some explanation on a particular point. His right hon. Friend had stated, that if two-thirds of the parish agreed upon a commutation, they would have the power of enforcing it upon the remaining third. He wished to know whether, supposing that two-thirds of the parish were not disposed so to agree, and that a small portion of the other third—for instance, a single individual—was anxious to effect a commutation, it would be competent to that portion, with the assistance of the commissioner, to effect it? Would that individual be able to call in the assistance of the Commissioner as an arbitrator between himself and the tithe-owner?

Mr. *Pryme* said, that the right hon. Baronet seemed to found his expectation of the efficacy of the proposed measure on the number of commutations which had hitherto taken place. He should remember, however, that these commutations had generally arisen from Inclosure Bills, under peculiar circumstances. If, as was generally supposed, an inclosure rendered the land one-third more valuable to the clergyman than it previously had been, he had obviously an interest to that extent in seeing it take place. In the general course of negotiation which accompanied such matters, he was asked by the landowners to consent to the inclosure and to a commutation of the tithe at a corn-rent; if he were unwilling, they would say that they refused to consent to the inclosure on any other terms; and then, rather than not have the inclosure, he would accept those which they offered. In this manner, numbers of the commutations which existed had been brought about. The right hon. Baronet had mentioned the large saving of expense which would attend commutation under his Bill, as an additional incentive to effecting it. That incentive would only operate upon the landowner, for the tithe-owner was at present not liable to any share of it; that is to say, the inducement to commute, arising from that cause, would influence only the parties who now felt most strongly the necessity of a commutation, and would not at all affect those whose consent was most essential and most difficult to obtain—the tithe-owners. He could not but think that the proposed measure would be unsatisfactory to the country. In the agricultural

districts with which he was connected, he was sure that it would be regarded in that light, not on account of any of its details, but from the very nature of its principle, which rendered commutation voluntary, and not compulsory. The result would be serious discontent—not extending, indeed, to the length to which it was carried in Ireland, but still very strongly affecting both the occupiers and the owners of the land. If the right hon. Baronet were to make the commutation compulsory, instead of voluntary, the same division of districts and the same plan of adjustment which he now proposed, would still be equally applicable.

Mr. *Greene* contended, that it would be difficult to frame a compulsory measure which should be fairly applicable to all the different parishes in the country. It had been said, that existing commutations were few; that arose from their temporary nature. When they came to be rendered permanent, the case would be very different. A strong reason for the small number was to be found in the enormous expense which was attendant upon the present plan of effecting them; he knew one case in which the cost had amounted to 3,000*l.* As to a strict examination of the value of the tithes, if that suggestion were adopted, it would give no satisfaction—it was absolutely impossible to have such a measure for this country as had been adopted in Scotland. He begged to express his satisfaction at seeing this measure before the House; and he hoped that the Bill, when brought in, would receive that attentive consideration which it was highly necessary that it should undergo. He was more sanguine as to its beneficial results than the hon. Member who had preceded him.

Mr. *E. John Stanley* said, the same obstacles which had hitherto stood in the way of a commutation would still exist under the proposed Bill; and he trusted that the right hon. Baronet would hold out some hope of a compulsory commutation at another period. So far as the present measure went, he thought it a very good one, inasmuch as it removed the inconvenience and expense attendant upon the local acts which were now necessary for a voluntary commutation.

Sir *Robert Price* suggested the propriety of introducing some declaratory enactment for the settlement of many controverted rights which now existed, and upon the subject of which the decisions of the different judges had been quite opposite. He

proposed, also, that the price of meat should be taken into consideration, as well as the price of corn, in the calculations which were to be made. When the Bill came fully before them, he should be ready to give it his most attentive consideration.

Mr. *Parrott* observed, that the working of the Bill must mainly depend on the commissioners; and he trusted, therefore, that much care would be exercised in their appointment. On one point he wished for some explanation. After the commutation had been made, was the burden to remain fixed on the owner or the occupier? If it remained on the owner, and if, by some means, it should happen that the land on account of which it was charged, were to be thrown out of cultivation, still he would be liable for the permanent impost. On the other hand, if it were to rest on the occupier, the burden would not exist in the case which he had supposed. He would point out, that although the resolution was professedly for a voluntary commutation, yet the commutation would be compulsory on the one-third of the landowners who did not agree.

Mr. *Hodges* expressed it as his opinion, that the measure would not be likely to be attended with success in some parts of the country, however readily many parishes might be prepared to enter into the arrangement proposed under it.

Mr. *Grote* was very unwilling to add to the number of questions which had already been put to the right hon. Baronet, but there was one which he (Mr. Grote) was very anxious to have answered. He wished to know whether the right hon. Baronet proposed to deal with the tithes in cities and towns in the same manner as with those of the agricultural districts? He knew that, in the city of London, tithes, in various parishes, were most unequal and oppressive. And he was desirous of knowing whether the right hon. Baronet meant to devise any means for removing or alleviating the burdens which pressed upon the inhabitants of cities and towns with regard to tithes.

The *Chancellor of the Exchequer* thought that he should best consult the convenience of the House if, before any further questions were put, he proceeded to answer those which had been already addressed to him. As the present was only the first stage of the Bill, every body would see that there were strong reasons why he should not pledge himself to the answers he might give upon the different points which had been

raised during the discussion. He was certain of deriving great advantage from the discussion which he had already heard; and perhaps the best course which he could adopt would be, not to pledge himself in his reply to those points which had been pressed upon his attention. In reply to the hon. Member for the city of London, he must observe that where tithe came in the shape of personal tithe, or of tithe upon houses, it was a subject of great difficulty. He had attended to that subject, but he could not say that it would form any part of the present Bill. He believed that the Bill of Lord Althorp did not attempt to settle the difficulty which always must exist in the commutation of tithe in town parishes. An hon. and gallant Gentleman had asked him whether he would not compose his board of five Commissioners. To this he replied that he preferred a board of three Commissioners. It appeared to him as a practical man that the smaller a board of Commissioners was, the greater was the responsibility resting on each commissioner, and that the greater the responsibility of each Commissioner was, the more satisfactory was the exercise of the power with which they were intrusted. He proposed that two of the Commissioners should be appointed by the Crown, and a third by the Archbishop of Canterbury. He placed the appointment of the third Commissioner in the power of the Archbishop of Canterbury in order to invest him with that power which was now exercised by the Bishops in preventing incumbents from injuring the interests of their successors by improvident compositions. To give the church a counter-vailing influence for this power in the Commission, he vested the appointment of one Commissioner in the Archbishop of Canterbury, to which he thought there could be no objection. Another hon. Member had asked him whether the consent of two-thirds of the landowners in a parish to a composition would be compulsory on the remaining third. He was aware that there might be devices to saddle a third of the landowners with a burthen that was unjust. It was to prevent any occurrences of that nature that he had appointed this commission, for he thought that there would be a great objection to making these voluntary compositions obligatory upon all parties without some superintending power. To prevent one-third of the landowners from being overborne by the remaining two-thirds, he had provided that no contract should be valid until it had been considered

by the superintending board in London. That board would receive any remonstrance that might be sent to it from any parties who considered themselves aggrieved, and thus he trusted injustice would be prevented. Another hon. Gentleman had asked him whether it would not be just to include other elements besides those which he had mentioned to determine the variations of the average. Now he could not concur in the propriety of taking in meat as one of those elements. Though of late years it had been assumed that the price of wheat bore a certain proportion to the price of other provisions, he was not inclined to admit the correctness of the assumption. He thought that the combined price of barley, oats, and meat would, be a better, and a sufficient test. The commutation rent might be re-adjusted at the end of any given number of years, according to the then average price of wheat, barley, and oats. If the composition were to be septennial, it would be formed on the average of seven years. If it were decennial, it would be formed on the average of ten years. The fewer elements that were taken into consideration the better; for if more were taken, the Bill would lose that simplicity which was, he thought, its chief recommendation. Another hon. Gentleman had asked him this question—supposing that two-thirds of the landowners would not concur in the composition, would the remaining one-third have it in their power to make an amicable arrangement with the incumbent? The Bill would not contain a provision of that kind; and in his opinion great caution should be exercised before any such provision were acceded to. The public advantage would not be advanced by it; for it would not be right in principle to grant to two or three individuals the power of making a private contract with the tithe owner, and to leave to the clergyman the odium of collecting the remainder of his tithes in kind. It admitted of great doubt whether such an arrangement would not in practice prove most unsatisfactory. In reply to the question of another hon. Member, he must observe, that when the tithe-owner had the consent of two-thirds of the landowners, and of the superintending board, the arrangement should be perpetual. In answer to a question put by Sir Robert Price, the Chancellor of the Exchequer said, that the Bill would admit voluntary commutations. The Commissioners would be at liberty to call the landowners together, and to suggest, in cases of doubts and diffi-

culties, an amicable arrangement, and to facilitate an agreement between them and the tithe-owners. He might say to them—"You will be fighting a question of *modus* forever—you will be removing one difficulty only to start another—let me propose an amicable arrangement, and so put an end to every legal difficulty in which you either are or may be involved." He thought that giving such a power to the Commissioners would put a stop to much litigation. As to settling the difficulties in the way of composition which might arise in every parish, he could not pretend to any such thing; and if he were to attempt it, the points of difficulty under his new law would be as numerous as those now existing under the old law.

Mr. *Parrott* wished to know whether the burthen was to remain on the owner or the occupier of the land? Was any abatement to be made where the land was highly cultivated?

The *Chancellor of the Exchequer* said, that the tithe was to be levied on the occupying tenant, who would have the right to deduct the amount of it from the rent which he owed to his landlord. With respect to abatement, there was a power given by Lord Althorp's Bill to make an abatement; but if parties made a voluntary arrangement among themselves, his Bill would give no power to the Commissioners to make any abatement from it. One word with respect to compulsory arrangement. If he had prepared a Bill to make a compulsory adjustment of tithe, he should not have hesitated to give the Commissioners power to make an abatement. But he had not prepared any such Bill, as he had seen various attempts made to attain that object, and all of them ineffectual. He did not believe that any one general plan for a compulsory arrangement could be adapted to districts differing so much in local circumstances as the county of Cumberland and the county of Kent. Indeed, he did not think that any general plan of that kind could be devised which would give satisfaction to the tithe-payers throughout the kingdom. The best mode, as it appeared to him, of getting ultimately at a compulsory arrangement, was to try first the voluntary plan, to see where it succeeded, and to note where it failed. Then, when additional information was gained from various quarters, the House might steer its course through all the difficulties attending the compulsory plan. What he principally deprecated was, the making a compulsory arrangement as an

experiment, and the failing in it. To fail in such an arrangement would throw the whole question back for years; but to fail in this voluntary plan, would lose no present advantage; the country would be just where it was—just as well off as before, and then the House might consider whether it would not take up with a compulsory arrangement. He would confess that he was more sanguine than many hon. Gentlemen appeared to be with regard to the success of this voluntary plan. In the accounts relating to the Property-tax, there was some information respecting the amount of tithe which was taken in kind in 1810. In that year the amount of tithes was 2,353,000*l.*, of which there was under composition 1,932,000*l.* Therefore the amount of tithe not under composition, or in other words, taken in kind, was 421,000*l.* Thus, not more than one-fifth part, or speaking more accurately, only eighteen per cent of all tithes collected in England and Wales in 1810 was taken in kind. Now, all tithe compositions existing at present were voluntary arrangements under private Acts of Parliament. There were some parishes in which a composition, on the principle of a corn-rent, under a voluntary arrangement, sanctioned afterwards by private Acts of Parliament, had perfectly succeeded. He would instance two parishes, the parish of Lancaster, and the parish of Cockermouth. In 1824, an arrangement of this kind took place in the parish of Lancaster. A Commissioner was appointed by an Act. The vacancy, when it occurred, was to be filled up by the Justices at the Quarter Sessions. A corn-rent of 1,358*l.* was to be payable in lieu of tithes. The expense was apportioned among certain townships in a manner specified in the Act. There was to be a decennial readjustment on the appeal of the vicar or one or more owners of houses and lands at the Quarter Sessions, but the amount was not to be reduced below 1,358*l.* A new apportionment might be made decennially by appeal to the Quarter Sessions of owners of the yearly value of 100*l.* That act had worked well, and no objection had been taken, or indeed could be taken, to the principle on which it was founded. In the parish of Cockermouth a composition had taken place on the principle of a corn-rent, and there too the plan had worked well. Now, he did not see why, in a great number of parishes, where no great expense would be incurred in carrying the plan into execution, the same prin-

ciple might not be applied. An hon. Member had proposed, that land as well as money should be assigned to the incumbent in lieu of tithes. He proposed, that land should be given to the clergyman where spare land could be found in the parish. In the case of enclosures, where spare land could be found, such a plan might be advantageous; but he was afraid, that the general adoption of it would only increase the difficulty of commutation. He did not exclude land from being given in lieu of tithe, but he would take a corn-rent as the rule, and land as the exception. The practice of Scotland proved, that there was nothing in the principle of his Bill to prevent it from working well. He was glad to find, that the House had received his plan so well. If in the progress of the Bill, any alterations should be suggested, calculated to improve it, he should be ready to give them the most careful consideration. He should proceed at present on the voluntary principle, for he thought, that any compulsory arrangement would at present compromise the success of that commutation, which they were so anxious to accomplish.

Mr. Pease stated that, in the county of Durham, the landlords and tenants were at this moment paying tithe out of their capital. The consequence was, that land there was daily going out of cultivation. Under such circumstances it could hardly be expected that there would be any voluntary commutation of tithe on the principle of this bill. Every one would rejoice to see the heart-burning occasioned by the collection of tithe removed by some well-arranged plan of commutation; but if the principle of this bill were insisted on, there would be a degree of distress in the north of England which language could not describe. He knew many estates in which this plan would give the clergyman his tithe, but would not leave the landlord a farthing for rent, nor the tenant a farthing for profit. The House must not wait for five years to see what effects this plan would produce, but must go forward boldly and meet the evil at once. He did not conceive that this plan would be of any value to the tillage land in his county, whatever it might be to the grazing land. It would greatly disappoint the farmers of Durham. Where the clergyman was of an easy disposition, and understood aright the position in which he was placed, there would be no difficulty in effecting a commutation; but wherever the clergyman

showed a craving and grasping disposition, there this Bill would do no good. Looking at the impoverished state of the tenant and the landlord, he was sure that they would not be able to pay in lieu of tithe such a sum as the clergy would now expect.

Mr. Rolfe wished to know whether the attention of the right hon. Baronet had been called to the tithe on fish? In the extreme west of England this was a matter of some importance. The tithe on fish was in its nature double. There was first the tithe on fish; and next the tithe on fishing. As to the first, there would be no difficulty as to the principle of commutation; but with regard to the second, as it depended on the profits of those who caught the fish, how was it to be commuted? On whom was the assessment to be laid, the individuals who caught the fish being unknown? He believed that there would be some difficulty felt on this subject on the north east coast of Yorkshire, about Whitby.

Mr. Grote asked whether the expense of adjusting the tithe in any parish was to be paid by the parish, or out of any public fund?

The *Chancellor of the Exchequer* said, that the expenses of the commissioners and other officers would be paid out of a public fund, but that the expenses of the surveyors, valuers, and witnesses must be paid by the landowners interested in the commutation, except in certain cases, which he would specify hereafter.

The Resolution was agreed to, and the House resumed.

RELIEF OF THE POOR IN IRELAND.]
Sir *Richard Musgrave*, pursuant to his notice, rose to move for leave to bring in a Bill for the relief of the poor in Ireland in certain cases. It was not his intention to press the second reading of this Bill, supposing he got leave to bring it in, until after the evidence collected by the Irish Poor-Law Commissioners was laid upon the table; and even then, if Government would introduce a measure of its own, and would take into its consideration the state of the poor in Ireland, he would yield up his plan and give his assent to its measure. His object was to obtain relief for the poor of Ireland, and he cared not by what party it was afforded, so long as it was afforded. Nothing would have induced him to take up this subject but his strong conviction of the necessity of affording them some mode of relief. It was stated in the evidence of the first medical authorities in

Limerick and Tipperary, that more than a fourth of the labouring classes in that part of Ireland were carried off by diseases superinduced by want. That was a sufficient ground for legislating on this subject, and, instead of being premature, a Bill to relieve his poorer countrymen from such complicated misery ought to have been introduced long since. The Bill had been drawn up with great care by an English barrister, and had been submitted to the Members of the late Government, and many of their suggestions had been adopted. The object of the Bill was to enable parishes in Ireland, by voluntary assessment, to grant relief to the poor in certain cases, and to give encouragement to Mendicity Societies. Committees would be appointed in parishes, consisting of the highest rate-payers and those who contribute most largely to charitable societies in the parishes. The Committee, thus formed, would have power to form sub-Committees, and to divide the parish into sections; one member of the Committee to have the superintendence of a section. This was the plan adopted when the cholera raged in Ireland, and a similar plan had been greatly approved of by Dr. Chalmers, in his evidence before a Committee of the House of Lords in 1830. One clause of the Bill would enable Grand Juries to levy sums upon towns or counties for the relief of the poor in cases of extreme though temporary distress, which unfortunately were of frequent recurrence in Ireland. This was necessary, for though, on such occasions, many persons contributed to the relief of the poor, there were others who gave nothing. The question was one of considerable importance to the people of England, who were deeply interested in having some provision made for the Irish poor, as the effects of their destitute condition reacted greatly on the condition of the labouring poor in England. He then moved for leave to bring in a "Bill to authorize the relief of the poor in certain cases in Ireland."

Mr. William Smith O'Brien, in seconding the Motion, expressed a hope that, before long, the right hon. Gentleman (Mr. Goulburn) would be able to lay the Report of the Irish Poor-Law Commissioners before the House.

Mr. Secretary Goulburn said, that he would not oppose the Motion for the introduction of the Bill, as the hon. Member said, he would not press the second reading of it until the evidence of the Irish Poor

Law Commissioners were before the House. At the same time he must say, he had strong objections to the principle of the Bill, but he would not offer any obstacle to the Motion or discuss the question it involved at present.

Leave was given to bring in the Bill.

[CHATHAM BOROUGH ELECTION.] Mr. Hodges rose, pursuant to his notice, to move that the Petition of certain electors and others of the borough of Chatham, presented on the 19th instant, be referred to a select Committee. The hon. Member said that, as the subject had been discussed already and as he understood that the right hon. Baronet (Sir E. Knatchbull) had to present a counter-petition on the same subject, he thought he should best consult the convenience of the House by not doing more now than moving for the appointment of the Committee, reserving to himself the opportunity of making any remarks in reply to what might be said on the other side.

Sir Edward Knatchbull would beg leave to state to the House what the hon. Member had not done upon the case on which he had moved the House. When the hon. Member had introduced the Petition to the notice of the House upon a former occasion he had stated that the petition contained allegations upon the character of a gallant officer which required an investigation, and which was entitled therefore in every respect to the serious consideration of Parliament. He trusted that he (Sir E. Knatchbull) was the last man capable of a wish to suppress any charges brought forward in that House, or to avoid an investigation of that which deserved to be inquired into. He would, however, beg leave to state to the House what were the charges which existed in the present case, and he doubted not that he should be able to convince the House that there existed no necessity for the appointment of a Committee. No public or private good whatever could arise from the proposed inquiry; but he would rest his objection on a distinct denial of the total charge brought forward against the individuals in question, and he would then leave it to the hon. Gentleman himself to say, whether he would wish to appoint a Committee to investigate the case, or otherwise he would appeal to the House, whether it could agree to the hon. Gentleman's Motion? In reference to the petition which the Hon. Member had presented on a former occasion he had stated that certain

rules had been established in the dockyards by which certain persons had the monopoly of supplying slops to the seamen and marines who might be at those stations, and that on the occasion to which he alluded a special order had been issued restricting the admission into the yard to three individuals who had been in the interest of Admiral Beresford at the preceding election, whilst admission had been refused to those slopsellers who had voted for Captain Byng. The hon. Member had further gone into a statement of a conversation that had taken place between two of the slopsellers and the gallant Admiral, in which the latter had referred to the votes of the parties, and had connected the favour to be granted with the votes they had given. He (Sir Edward Knatchbull) held in his hand evidence on the part of the officers to prove that the allegation was altogether without foundation. It was perfectly true, that the orders relative to the admission of slopsellers into the dockyard had been relapsed in favour of the three persons in question. But then came the Question, were or were not the three persons in question engaged, and how were they engaged in the election? Two of the persons were named Isaacs and one of them Lucas. Now it so happened that these two men named Isaacs were not voters at all. This had been asserted in the petition of the gallant Admiral, and it was proved by a reference to the poll-books which he then held in his hand. Then with respect to the case of Lucas, it was not absolutely certain whether he had a vote or not. It did certainly appear by the poll-book that there was a voter by the name of Lucas, but that person was described not as a slopseller, but as a gentleman, and whether therefore he were or were not the Lucas alluded to was a matter of doubt. He next came to the allegation that a gallant Officer had expressed himself strongly to the parties in question, that if Admiral Beresford did not succeed, the Government custom would be taken from them. Now the gallant Officer had acknowledged that he had had a conversation at that time with the parties in question, but that he was now unable to remember what that conversation was. It was a general and discursive conversation, which had taken place sometime before the election, and which was not connected with it. There were one or two other circumstances which bore upon the decision of the case. The gallant Officer stated in his opinion that he had given the permission to the two men Isaacs and to

Lucas, without the least reference to party feeling, and that they remained at perfect liberty to be engaged on whichever side they might please. If the House should think fit, he should feel no objection to the appointment of the Committee, but he would rely upon the character of the House that after the statement he had made, it would not deem it necessary to employ the public time upon an inquiry so unavailable to any practical advantage.

Mr. *Hodges* contended that the present was a case which called loudly for inquiry. As to the exception to the order for excluding the slopsellers, it could be shown that those who were so excepted, though they were not voters (at least two of them were not), they had declared that if they had had votes they would have given them in favour of Admiral Beresford. There was, he conceived, sufficient evidence to prove the interference of the military authorities on one side. It could be proved that the regimental colours were taken from the flag-staff and put on other staffs, and borne in the procession of Admiral Beresford. He did not think that the statement of the right hon. Baronet had at all met the allegations of the Petition, and he should, therefore, persevere in his motion.

Sir *George Clerk* contended, that the case of the petitioners was not made out. The charge against Colonel Tremenhare was, that he had issued a general order excluding slopsellers and pawnbrokers from the marine barracks, and excepting from that order only three persons who were described as voters for Admiral Beresford. Now, what were the real facts of the case? In January last, there were several ships paid off, and the marines belonging to them were taken into barracks. They had all money coming to them, and knowing the practices of the slopsellers in dealing with the men, and the manner in which the men were plundered, an order was issued to prevent the slopsellers and pawnbrokers from going into the barrack-yard as usual, and on inquiry into the characters of those who were in the habit of visiting the barrack-yard, three only were allowed to be exceptions to the rule, but of these three two were not voters, and one of these two had acted as an agent for Captain Byng. But as a proof that the order was intended to apply only to the particular circumstances of the paying-off of the ships, he need only mention that the order was rescinded on the 14th of February. On these grounds he must say, that the gravamen of the charge

had failed, and there was no case made out for an investigation by a Committee. At the same time, he would say, that as far as the character of the gallant Officer whose name had been mentioned was concerned, he could not object to the Committee, for he was sure the more his conduct was investigated, the more free his character would come out from any imputation; but his great objection to the Motion was, that it was unnecessarily taking up the time of a Committee.

Mr. *Warburton* thought that the House ought to consider both the Petition presented by the hon. Member for Kent and the statement made by the hon. Baronet opposite as *ex parte*, and, therefore, an inquiry ought to be instituted, in order to ascertain on which side the truth lay. He saw no reason why that inquiry ought not to be instituted, and the more particularly as he understood from the right hon. Baronet, the gallant Officer, Colonel Tremenhère, whose conduct was impugned, was actually desirous of an investigation. He could not regard lightly the conversation which had been spoken of as having taken place before the election, as it manifested that the gallant Colonel held political opinions so strong as to desire that the sins of the electors should be visited on their own heads if they should not vote for the Government candidate. [Sir *E. Knatchbull*: Colonel Tremenhère formerly voted for Captain Byng.] He did so, but he had shown himself a friend to the Government, whatever that Government might be, as at the last election he voted for another candidate. He must say, that intimidation at elections now took so many different forms, that where an individual holding an official station, and from that station acquiring a control over a body of electors, was found making such declarations as were in this instance attributed, such a case was, in his judgment, a fit one for inquiry. He begged to ask whether or not it was a fact, that after it had been ascertained that this petition was preparing in Chatham for presentation to the House, Colonel Tremenhère had sent round an order to the different shops to announce the recall of the orders of which the petitioners complained? If that had been the case, that fact alone proved that those orders were not originally necessary for military order and discipline in the garrison. On the whole, regarding as he did both the statements now before the House to be *ex parte*, he for one was desirous the Committee should be appointed.

Mr. *Freshfield* said, that, as a personal friend of the gallant Officer whose conduct was the subject of the present Question, he felt himself bound to bear his testimony to the high personal character and honour of that gallant individual. He was satisfied that there was not the slightest foundation for the imputation that the orders in question were made in reference at all to the election, but on the contrary, were issued on a special occasion, to which the right hon. Baronet had alluded, and having answered the purpose for which they had specially been issued, they were abrogated on the 14th of February; but such was the condition of the barracks, consequent upon the indiscriminate admission of the traders, that the field officer had been obliged to interfere. This manifested their necessity. With respect to the conversation attributed to Colonel Tremenhère, it was a mere passing comment in the street, and could not avail against him, inasmuch as he had no control over the electors, being there merely in his military capacity. He had yet to learn that because a man filled the station either of a naval or military officer he had no right to entertain political opinions, or that he might not say that he should feel himself ungrateful to the Government if he did not make some return for some of the favours received from it. He strongly objected to the proposed Committee of inquiry, not because he entertained any other conviction than that the character of the individual would come out of it with honour and credit, but because he thought such an inquiry was unworthy of the House, and was not justified by the facts.

Mr. *William Ord* said that, if Colonel Tremenhère had exercised his military powers for military purposes, he would of course come out of the proposed inquiry without a stain upon his character, and if it should turn out that he had abused the powers with which he was invested, for the purpose of carrying into effect a system of intimidation he would suffer, the inquiry would be fully justified in either case. He (Mr. Ord) had been informed that such orders where wholly unprecedented in the barracks at Chatham, and that no such interference had ever before been known. He had also understood that the individual Lucas, who had been described as a draper, was a slopseller, and did actually vote for Admiral Sir John Beresford, and that such would, on inquiry, be proved to be the fact. The orders were not cancelled until it was

ascertained that this petition was in course of preparation, and these facts, coupled with the third point, that of the conversation in which so much partisanship had been exhibited, fully called for an investigation as to whether or not the intention of Colonel Tremenhere had been to influence the decision of the election.

Sir *John Hammer* contended that the appointment of a Committee of inquiry upon such a trivial matter was beneath the credit, honour, and dignity of the House. The charge with respect to the slopsellers, had in his judgment been fully disproved, and surely the House would not attend to the suggestion as to an expression of a few hasty words spoken in the streets during the excitement of a contested election, and deal with such expressions as if deliberately made. He protested against such a course, not because he felt any personal interest in the matter, but because he conceived it beneath the dignity of the House.

Sir *Ronald Fergusson* would not have risen but in consequence of what had fallen from the hon. and learned Member for Penryn (Mr. Freshfield). He thanked the hon. Member for his concession, that officers in the army and navy had an undoubted right to express their political sentiments, but he must, at the same time, protest against the principle laid down that they were bound to vote with the Government from whom they had received their honours. Naval and military men had as good a right to vote according to their own particular principles as any other class. The present Government had been in power too short a time to do any good for Colonel Tremenhere, and he hoped their career would be too short to enable them to benefit him.

Mr. *Freshfield*, in explanation, said, the hon. and gallant Member had totally misunderstood his observations; so far from having said any thing like that attributed to him by the hon. and gallant Member, his argument was, that naval and military men were still citizens, and as such had the right to the free exercise of their particular political principles.

Mr. *Maclean* said, he perfectly well remembered the words used by the hon. Member for Penryn, and he had certainly not understood him to say any thing to the effect that it was the duty of military and naval men to hold opinions with the Government, whatever that Government might be. When last this subject was before the House, the hon. Baronet, the Member for Devonport (Sir G. Grey) had

stated, that in his own experience with the borough which he represented, he had known certain naval and military officers there occasionally outrun their discretion at contested elections; but the hon. Baronet had not favoured the House by stating, if they had outrun their discretion on the former election in the same direction as the last. He must vote against the Motion for a Committee of Inquiry.

Sir *E. Knatchbull* said, that he thought he could put an end to the present debate. The House would remember, that in the course of his former observations he had intimated, that if he should not succeed in satisfying the House with the explanations he was about to give, it was not his intention to object to the Motion for the appointment of a Committee. Upon his explanation he regretted to find so great a difference of opinion prevailed, but since the debate had proceeded, he had communicated with Colonel Tremenhere, and that gallant officer confirmed what he had before stated. The anxious desire of Colonel Tremenhere was, that his conduct should undergo every investigation. Therefore he had no objection to the appointment of a Committee of Inquiry.

The Chancellor of the Exchequer said, that he should consent to the appointment of such a Committee as that proposed with very great reluctance. He could well understand, that, under such a charge, the personal wishes of the gallant individual would be, that his conduct should (if the explanations of his friends proved insufficient to satisfy the House) be submitted to any examination that the House might require, but he could not think that the personal wishes of any gallant officer ought to be conclusive upon the point. He was not present when the subject was before discussed, and he had not heard of the case until to-night, nor did he know the charges before. He understood that some reference was made in the petition to certain expressions alleged to have been made by the gallant officer to another individual on the subject of the election, and that also there was a charge that he had perverted the authority with which he was invested for the purpose of influencing the election: Now the latter charge, he thought, stood on very different grounds to the former. A charge against an individual of abusing authority with which he was clothed was one upon which the House of Commons might properly proceed, but to the appointment of a committee to inquire into lan-

guage which a voter had used at the time of an election, he for one would not consent. The Reform Bill had not deprived the gallant gentleman in question of his franchise, and he had a full right to speak freely his sentiments upon the subject of the contest, and if even in the course of conversation with a private individual, he had spoken strongly, he (Sir R. Peel) would never countenance a Committee of Inquiry into such a subject. Such a committee would amount to the inquisition, but, on the other hand, the charge of abuse of authority stood on very different grounds, and he should therefore move an amendment, to the effect that the inquiry of the Committee to be appointed be limited to the official conduct of Colonel Tremenhare, as the officer in command at Chatham.

Sir George Grey agreed with the right hon. Baronet in thinking, that there was a distinction to be drawn between the two charges, but he thought the right hon. Baronet could not have read the petition, or he would not have moved the amendment just proposed, an amendment which would in effect make the inquiry perfectly nugatory. The petition expressed a confidence that the House would not permit persons holding official situations or military commands to interfere unduly or vexatiously with the right of election. This expression was made after a statement of facts, some of which were denied, and which he hoped the gallant individual might be able to prove to be untrue. The conduct imputed to Colonel Tremenhare was, that in his military capacity he had promulgated, a few days after the election, a vexatious order, of which the petitioners would not have complained, if it had been acted upon with fairness and impartiality, but that inasmuch as two or three slopsellers who supported one interest were admitted into the barracks, whilst others who had supported the adverse candidate were excluded, they regarded the order as intended to interfere with the free exercise of the elective franchise. In this opinion the petitioners felt themselves fortified in consequence of a conversation having occurred previous to the election, in which Colonel Tremenhare was alleged to have said, that "if Chatham did not return Admiral Beresford, he hoped the Government would take such measures as might have the effect of shutting up half the shops in the town." It was impossible, therefore, to shut out from the inquiry this evidence of the *animus* in which the orders in question were

issued. The *animus* was the only question in the case, for no man doubted (as the right hon. Baronet would have known, if he had been present on the former discussion) the perfect right of the gallant officer, in his military capacity, to issue such orders. In reference to what had fallen from the hon. Member for Oxford, he begged to say, that at his own election he had witnessed a very indiscreet exercise of zeal by many military and naval men, but nothing which could taint their characters as men of honour.

The Chancellor of the Exchequer suggested, that all objects ought to be answered by the granting of a motion of inquiry into the circumstances under which an order had been issued at the termination of the last election for that borough, by which it was ordered, that pawnbrokers and slopsellers should be prohibited from entering the barracks without a special order from the commandant.

The House divided on the original Motion. —Ayes 161; Noes 130: —Majority 31.

The Committee was appointed.

List of the AYES.

Adam, Admiral	Dundas, Hon. J. C.
Aglionby, H. A.	Dundas, Hon. T.
Alston, R.	Ebrington, Viscount
Barnard, E. G.	Evans, G.
Baines, E.	Ewart, W.
Baring, F.	Fergusson, C.
Bernal, R.	Ferguson, Sir R.
Berkeley, Hon. C.	Ferguson, Rt. Hon. C.
Bish, T.	Fielden, J.
Blamire, W.	Fergus, J.
Bowring, Dr.	Finn, W. F.
Bowes, T.	Fitzsimon, C.
Brotherton, J.	Gaskell, D.
Brady, D. C.	Gisborne, T.
Bridgman, H.	Gillon, W. D.
Burton, H.	Gordon, R.
Burdon, W. W.	Grattan, J.
Brocklehurst, J.	Grote, G.
Buckingham, J. S.	Gully, J.
Campbell, Sir J.	Hawes, B.
Cayley, E. T.	Harvey, D. W.
Cavendish, G. H.	Hay, Colonel L.
Carter, B.	Heron, Sir R.
Chalmers, S.	Heathcoat, J.
Clements, Viscount	Heathcote, R.
Clay, W.	Hooper, T. L.
Clive, E. B.	Hobhouse, Sir J. C.
Codrington, Sir E.	Hallyburton, Hn. D. G.
Crawford, J.	Hoskins, K.
Collier, J.	Hutt, W.
Dalmeny, Lord	Hindley, C.
Dennistoun, A.	Howard, Hon. E. G.
Divett, E.	Johnston, A.
Duncombe, T. S.	Kemp, T. R.

Kerry, Earl of	Pusey, P.
King, Bolton	Ramsden, J. C.
Labouchere, H.	Rice, Rt. Hon. T. S.
Lennox, Lord J. G.	Rolfe, R. M.
Lennard, T. B.	Roche, W.
Littleton, Rt. Hon. E. J.	Robinson, G. R.
Leader, J. T.	Rooper, J. B.
Lennox, Lord A.	Russell, Lord J.
Lefevre, C. S.	Rundle, J.
Lushington, C.	Ruthven, E. S.
Maule, C. F.	Ruthven, E.
Maxwell, J.	Scholefield, J.
Mullins, F. W.	Sheil, R. L.
Mangles, J.	Stanley, Hon. H.
Musgrave, Sir R.	Stanley, E. J.
Murray, J.	Stewart, P. M.
Macleod, R.	Stuart, Lord J.
Marsland, H.	Strickland, Sir G.
Morpeth, Viscount	Sturt, H. C. S.
Marjoribanks, S.	Spiers, A. G.
M'Taggart, J.	Thomson, Rt. Hon. P.
M'Cance, J.	Thornely, T.
Mackenzie, J. A. S.	Tracey, C. H.
Milton, Viscount	Trelawney, Sir W. L. S.
O'Brien, C.	Tulk, C. A.
O'Connor, Don.	Tynte, C. J. K.
O'Connell, J.	Villiers, C. P.
O'Connell, M.	Wyse, C.
O'Connell, M.	Williams, Sir J.
Oliphant, J.	Warburton, H.
O'Loghlen, Sergeant	Wakley, T.
Oswald, J.	Wemyss, Captain
Oswald, R. A.	Wigney, I. N.
Parrott, J.	Williams, W. A.
Pattison, J.	Whalley, Sir S.
Paget, Captain F.	Wilbraham, G.
Parnell, Sir H.	Williams, W.
Pease, J.	White, G.
Perrin, L.	Wallace, R.
Phillips, G. R.	Wilks, J.
Potter, R.	Walker, C. A.
Poyntz, W. S.	Wood, Alderman
Power, P.	TELLERS.
Price, Sir R.	Grey, Sir George
Pryme, G.	Steuart, R.

PAIRED OFF.

FOR.	AGAINST.
Colonel Seale	Mr. Richards
Mr. Speirs	Sir F. Goodricke.

TIMBER DUTIES.] Mr. Baring rose pursuant to notice, to move that the House do go into a Committee of the whole House on the Timber Duties.

On the question being put, that the Speaker do leave the Chair,

Mr. Poulett Thomson said, he wished to know what course the right hon. Gentleman meant to pursue upon this important question? If he was correctly informed, it was the intention now to go into a Committee of the whole House for the purpose of moving a Resolution, on which a Bill would be founded, and that Bill

afterwards referred to a Select Committee, for the purpose of inquiring into the whole subject. If this was the course meant to be taken, he would offer no objection to it.

Mr. Baring said, the question to which he was about calling the attention of the Committee, was one of great importance, and involved so many points worthy of consideration, that he should not have brought it forward at so late an hour, if he apprehended that there would be occasion to address the Committee at any length. The timber duties as they now existed, grew out of a Committee of Inquiry, which sat in 1821 or 1822, so that they had been thirteen years in operation. He would not now inquire how far these duties were at first proper or expedient. However, that might be, they had given rise to so much conflicting interest, that it became absolutely necessary to come to Parliament upon the question. There were two notices upon the paper relative to this subject—one to equalise the duties, and the other for the appointment of a Committee. The present duty was, on Baltic timber 55s., and on Colonial timber 10s. It appeared, that in the present state of the law, the practice had grown up of fitting out ships in British ports, of chartering them to the Baltic for timber, and thence to Canada, from whence the Baltic timber was re-shipped and landed in this country. The reduced duty offered sufficient inducement to this operation, for the Baltic timber was thus imported at 10s. in place of 55s. This practice had been going on for two or three years, and the year before last not less than 1,300 cargoes had been thus imported, to the great loss of the revenue. These, and other facts, appeared from information collected at the ports from which the trade was carried on. It had become, therefore, indispensable to alter the law. His only object now was to propose a Resolution on which a Bill might be founded. That Bill he would then propose be referred to a Select Committee, for the purpose of inquiring into the whole subject. The reason why the question had become so pressing now was, that if Government took no step relative to these duties, a great number of ships now on their way to the Baltic must be paid the whole freight. To prevent this the interposition of Parliament was now required. As several important interests were connected with this question, and as several ships at this season of the year were on the point of sailing, he

thought it right to state, that it was not the intention of his Majesty's Government, whatever might be the result of the inquiry, to propose any alteration which should take effect during the present season. As arrangements and contracts had already been made, it was proper that those connected with the trade should at least have some security against any interference with their commerce during the present season. This was only in accordance with common justice; but he had to state an additional reason for deferring any alteration to the next year. If the trade was not protected during the present year, duties to the amount of two or three hundred thousand pounds would be lost to the revenue. At present, he should abstain from all discussion of the general question, or from giving any opinion of his own as to what might hereafter be the wisest course for Parliament to adopt in legislating upon the subject. He should strictly confine himself to the introduction of the Bill, the objects of which he had just stated to the House.

The House went into a Committee.

Mr. Baring moved a Resolution to the effect, that it is the opinion of the Committee, that the duties now payable on wood imported from Europe, should be charged upon all wood, the produce of Europe, when imported from America.

Mr. Warburton would make no opposition to the proposal of the right hon. Gentleman, but he should have been better pleased if he had simply endeavoured to correct the anomalous operation of the present law by which timber was conveyed from the ports of Europe to the North American colonies, and then brought to England at a duty lower than that on timber freighted to England direct from the Baltic. This anomaly was, however, attended by an advantage; it pointed out in the most glaring manner the absurdity of the duties imposed under the timber system. As the question was to be referred to a Committee he would not enter into the subject, but he could not refrain from expressing his opinion, that the information afforded to the Committee of Trade, which sat in 1821, was amply sufficient to enable them to legislate at once upon the matter. That Committee, it was stated by the right hon. Gentleman, approved of the duties according to their present scale. The fact, however, was, they merely recommended that the duties as they now existed, should be imposed in the first instance, and that

subsequently they should be reduced. On what principle could the present scale be defended? Though the difference of freight as between the Baltic and North American ports was 15s.—the Baltic freight amounting to 20s., and the North American to 35s.—yet the difference in the duties was 45s., thereby leaving between the 15s. and 45s. a difference of 30s. Here was an inequality which could not be justified, even upon the principles of restricted trade. This difference he was convinced was injurious to the interests of trade, and he, therefore, wished an alteration had at once been made. He would not, however, oppose the right hon. Gentleman's proposition, for he was willing to accept from the Government anything in the shape of a revision of those duties.

Mr. Robinson would refrain from discussing so large a question as the timber duties. The object of the Board of Trade was to correct an obvious anomaly in the existing law, by which timber freighted from Europe to the North American colonies, and then imported into England, paid only the same duty as that levied on colonial timber. It was clear, that when the discriminating duties were established there was no intention to sanction such a proceeding. When the time for discussing the general question arrived, he should be prepared to consider it, not as affecting the colonies alone, but all the other great commercial interests of the country. If it could then be proved to him, that the protecting duty in favour of the colonies was greater than, under all the circumstances, they were entitled, he would willingly give his vote for putting the duties on a proper footing.

Mr. Carruthers would not allow the statement which had been made by the hon. Member for Bridport to go unanswered. The difference between the duties—one being 10s. and the other 55s.—was not an injurious difference, because, when the duty on Baltic timber was only 40s., the price was neither more nor less, but just the same as now. The colonies, however, were benefitted, and properly so, when it was remembered, that they consumed British manufactures, employed British shipping, and largely contributed to the British revenue.

Mr. Hutt recommended, in order to correct this great anomaly in the long chapter of anomalies in the timber duties, that the colonies should be placed in respect to the duties on an equal footing with European

ports. He hailed the proposed appointment of a Committee with the greatest satisfaction.

Mr. *George F. Young* regretted, that some other means had not been proposed to alter this anomalous scale of duties. As to the allusion made to the former arrangement of duties, and the present price of Baltic timber, it only went to prove the dreadfully distressed condition of British shipping. It was at the most ruinous freight, that they were obliged to take such voyages.

Mr. *Alderman Thompson* said, that in some of the Charter-Parties of ships which had been hired to take timber from the Baltic to Canada, a provision had been inserted, to enable the charterers to consent to the conveyance of the cargoes to England. In many charters he had reason to know that such a provision had not been inserted, and he wished to know, whether compensation would be allowed to parties who might suffer from not having provided against an alteration of the law. There was no question which ought to excite greater alarm among the shipping interest than the present, and he greatly regretted, that, it was intended to accede to the Motion of the hon. Member for Manchester.

Mr. *Baring* had to state, in answer to the hon. Member's question, that notice was given to those connected with the trade, of the intentions of Government in the middle of February, early enough for every possible purpose, and before any arrangements were far advanced. He therefore did not expect that any claim of compensation would arise. It was necessary for the Government to take some step in reference to this question, and they thought it was the most advisable course to submit it once more to the consideration of a Special Committee. It was intended to throw the question completely open to the full and fair consideration of that Committee.

Dr. *Bowring* was gratified at hearing the mention of "consumer" in the course of the discussion. He hoped the day would arrive when his interests would receive more consideration. A distinction had been drawn between the colonies and foreign countries. There ought to be no distinction. If the foreigner came forward with a cheaper article than the colonies it was to our interest to purchase from him, and we might rest assured, that he in return would take our commodities.

Mr. *Carruthers* considered the colonies

as part and parcel of the State: It did not follow that because we purchased from a foreigner he would become a customer for our manufactures, and that he would satisfactorily show when the proper time for discussion arrived.

The Resolution was agreed to. The House resumed.

SINECURES.] Mr. *Francis Baring* moved for the re-appointment of the Committee on Sinecures. The inquiries of the Committee of last Session were stopped by the dissolution of Parliament, and as an investigation into colonial sinecures, and cases of compensation for abolition of office was highly necessary, he apprehended there would be no opposition to this Motion: He trusted, that the Report of the Committee would enable them to frame some rule for regulating all future cases, particularly those of compensation for abolished offices. The allowances to superannuated public servants were under a certain limit and regulation, but where offices were abolished, the only guiding principle was, that some saving should be made. Whether that saving should be great or small was left to discretion, and a person fitted by age and health to engage in other occupations was, in the abolition of his office, frequently provided with a life pension of a most unreasonable amount. He had in his hand a long list of pensions and sinecures, but he should not read it to the House, as his Motion would most probably be agreed to.

Motion agreed to, and the Committee appointed.

HOUSE OF COMMONS, Wednesday, March 25, 1835.

MINUTES.] Bill. Read a second time:—Highways. Petitions presented. By Mr. *TOOKE*, from Gravesend, concerning the Sale of the Blockhouse Fort.—By Sir *SAMUEL WHALLEY* and Mr. *ANGERSTEIN*, from several Places,—against; and by Earl *JERMYN*, from Bury St. Edmund's, in favour of the Sabbath Observance Bill.—By Mr. *HARDY*, from Frampton, for an Inquiry into the Rights of the Poor in that Parish.—By Mr. *STEUART*, from three Places, for Protection to the Church of Scotland.—By Mr. *RICHARDS*, Mr. *D. GASKELL*, Mr. *HALL DARE* and Mr. *CRAVEN BERKELEY*, from the Licensed Victuallers of several Places,—against the Duty on Spirit Licences.—By Lord *EBBRINGTON*, Mr. *WILKS*, Mr. *CRAVEN BERKELEY*, and Colonel *SIETHORPE*, from a great Number of Places,—against the whole, or parts of the Ecclesiastical Courts' Bill.

CORN TRADE (IRELAND.)] Mr. *William Roche*.—Sir, deeming the Petition which I hold in my hand to be one of very considerable importance, to both the com-

mercial and agricultural interests of Ireland, I felt it advisable to give notice of my intention to present it. Sir, this Petition comes from the Chamber of Commerce of Limerick, a most respectable, intelligent, as well as chartered body, under whose judicious auspices, the commerce of that city has doubled, within the last ten years; its exports alone, now amounting to 1,000,000*l.* per annum. If, Sir, the complaints which the petition embodies, were of an isolated nature—if they were confined to the locality of Limerick alone—or, if they did not involve such important and general interests—I might not have deemed it necessary to introduce the subject, by the formality of a previous notice; but, extending as this complaint does, to every port and part of Ireland, embracing, also, the two most essential elements in the prosperity of that country, or, I should rather say, the sole elements of its prosperity; (for divested as it is of any significant manufacturing interest, those of agriculture and commerce constitute the solid basis of our resources) therefore, anything calculated to mar or retard them, merits our most serious attention. Sir, the petitioners state, that they, and every Irish exporter of grain to the port of London, are exposed to three fraudulent operations, in consequence of the corn which they purchase, and ship from Ireland by weight, being unshipped, stored, and sold here by measurement. The result is, that as measurement is no adequate or accurate test of quantity, in reference to weight, plunder or pilfering may take place during the voyage hither, without the Irish merchant being able to ascertain the fact and fraud, or define its extent; whereas, if the cargo were weighed out here, as well as weighed (as it is) into the ship in Ireland, this corresponding test would either deter from fraud, or ascertain its extent, and render the captain or ship-master responsible for the loss. Now, however, the captain says he gives what he got; and as there is such a difference between the two tests of weight and measure, there is no opportunity of ascertaining the fact or fallacy of his allegation. Then, again, Sir, when the cargo is thus measured out, and placed upon the factors' loft, defalcation may occur there, too, and still the Irish owners have no opportunity of detecting or defining it. The ship-master and factor may both be men of honesty

and honour; but the crew of the one, or the labourers of the other, may not be so. Thirdly, Sir, when the cargo is finally sold, the measuring depends so much on the skill, the strength, and the *animus* of the operator, that a very considerable loss or benefit to the seller or buyer may arise, according to the prevalence of these qualifications in the measurer, and thus, again, the Irish exporter has no check whereby to ascertain whether the cargo is fairly or unfairly dealt by. Moreover, Sir, I believe most practical men now agree, as an abstract question, that weight is a much safer and more perfect criterion of quantity, than measurement, from the reasons I have assigned—namely, the variable influence of the skill, strength, and intentions of the measurer. As regards this point of view, I have seen the matter placed thus:—An Irish merchant sends two cargoes, suppose of oats, to the London market—say of 1,000 bolls each, and each boll weighing 196*lbs.* These two cargoes have been taken from the same bulk; and, therefore, if measurement were an exact criterion, they should measure the same; but on receipt of sales, the merchant finds that one vessel's cargo is made to weigh 41*lbs.* per bushel, and the other 42*lbs.* per bushel, which creates the following loss to him—

	Qrs.
1,000 bolls, weighing 196 <i>lbs.</i> each boll, turn out by measure 41 <i>lbs.</i> per bushel, or	- 597½
1,000 bolls weighing 196 <i>lbs.</i> each boll, turn out by measure 42 <i>lbs.</i> per bushel, or	- 583¼
Difference and loss to the Irish shipper	- 14¼
which at 30 <i>s.</i> per quarter, come to	21 <i>l.</i> 7 <i>s.</i> 6 <i>d.</i> ,
arising from one cargo having been measured in even a slightly heavier manner than the other.	

Now, Sir, this is what occurs every day; and the House may, therefore, judge what an enormous difference it is calculated to make annually, and in the aggregate. Sir, I beg to say, that the petitioners do not intend to arraign or abridge the corporate revenues of the port of London, by the desired alteration from measurement to weight, as they are willing to pay the same charges they now do, if the latter be resorted to. All they seek for is, that as they buy corn by weight, it may be similarly treated and disposed of here, not only for their protection, but as, in the abstract, a far better standard for all such purposes than measurement; and they have the stronger claim, when they state, that the port of London is the only

principal one where measurement and not weight, is used; Liverpool, Glasgow, Bristol, &c. &c., adopting the latter. Why, Sir, we ourselves have recently recognised this preference by enacting that coals should be weighed, not measured; and I believe experience has proved this to be a wise and salutary change.

Petition to be printed.

GRAVESEND BLOCKHOUSE—THE ORD-
NANCE.] Mr. Tooke presented a Petition from the Corporation and Inhabitants of Gravesend, praying that the sale of the Blockhouse Fort by the Board of Ordnance, which was advertised for the 30th inst., should be deferred, in order to afford the petitioners an opportunity of purchasing it, for the purpose of converting it into a place of public recreation. The petitioners stated, that it was advertised to be sold in forty lots, that it was likely to be converted into small cottages, and to become a nuisance, instead of being one of the public attractions of the place. The petitioners, after giving a statement of their negotiations with the late and present Board of Ordnance, for the purchase of this ground, proceeded to say, that the inhabitants of Gravesend would be willing to give a reasonable price for the ground in one lot, but that they would not enter into a competition with other purchasers, if it should be put up in forty lots, as in that case if one lot was purchased by some other party, their object might be defeated, and the place converted into a nuisance. The hon. Member hoped that the Board of Ordnance would attend to the prayer of the petitioners.

Colonel *Leith Hay*, as a member of the late Board of Ordnance, wished to give some explanation on this subject. There had been a negotiation between the Corporation and inhabitants of Gravesend and the late Board of Ordnance, for the purchase of this fort; but a difference arose between them regarding the reservation of certain roads, and that the late Board of Ordnance seeing no prospect of those gentlemen coming to a conclusion on that point, felt it their duty to break off the negotiation altogether. They also took the opinion of the then Attorney-General, as to the agreement which had been partly concluded, who gave it as his opinion that the contract had been rendered void by the conduct of those parties; that the Ordnance had a right to put an end to it,

and that the Board might, with perfect legality, re-advertise those premises for sale by public auction. The last minute of the late Board was made for the purpose of carrying that object into effect. That sale would then, undoubtedly, have taken place, but that the present Master-General of the Ordnance, without making inquiry from any of the persons of the late Board, or examining the papers which existed on the subject, obstructed it. [Sir *Edward Knatchbull*: The sale was only postponed.] Well, it was postponed; but it was postponed on a specific ground, not very complimentary to the late Board—namely, that inquiry should be first made whether in a military point of view, it would be necessary to retain those premises. Now, the matter underwent consideration before a Committee, composed of military officers and members of the Board of Ordnance, in 1834, and they decided that the property was no longer valuable in a military point of view, and that it should be sold. That opinion was afterwards submitted to the Inspector-General of Fortifications, and it received the sanction of Sir James Kempt, the late Master-General of the Board of Ordnance, who stood as high in a military point of view as any other Master-General possibly could. Under such circumstances, he thought that the delaying the sale of these premises, was an unmerited reflection on the late Board. If this property had been sold without reservation, he had reason to believe that it would have fetched 3,000*l.* or 4,000*l.* more than had been offered by the Corporation of Gravesend for it. The petitioners, instead of having been treated harshly, had met with the greatest kindness and consideration from the Board of Ordnance.

Sir *Edward Knatchbull* complained of the charges which had been made by the gallant Member against the present Board of Ordnance. There had been no intention on their part to cast any imputation on the late Board.

Colonel *Leith Hay* had said, that the late Board had determined on the sale of this property, and that the present Board on coming into office, without inquiry had stopped the sale.

Sir *Edward Knatchbull* took the responsibility of the deferring of this sale on himself, as he had advised the Master-General to put it off. He assured the hon. Member, that there was not the

slightest wish to cast any imputation on the late Board in the transaction.

Mr. *Harvey* said, that in point of fact, this was a modest application on the part of the inhabitants of Gravesend, to be allowed 3,000*l.* or 4,000*l.* out of the public purse. Now he, as one of the guardians of public property, entered his protest against the proposed mode of dealing with that property. He thought, that the exact value of the property in question ought to be ascertained; and, when that was done, he had no objection to let the town of Gravesend be so far favoured as to let it have the option of purchasing the property at an abatement—of 10 or 15 per cent.

Mr. *Warburton* said, that if on selling the property to the town of Gravesend any abatement should be made in its actual value, care ought to be taken that the property was appropriated to public, not to private purposes.

Sir *Frederick Trench* was sorry the hon. and gallant Officer should have thought it necessary to censure the motives of the Master-General of the Ordnance. He could venture to say, that the mind of the Master-General was influenced by no other motive than a desire to afford facility to any arrangement tending to promote the health, the interests, or the recreation of the inhabitants of Gravesend as far as was consistent with his duty to the public. [*Colonel Leith Hay*: I made no charge against the Master-General.] He thought the hon. and gallant Officer had distinctly charged the Master-General with having suspended the decision of the former Board hastily, and without reading the papers. The fact, however, was, that in his desire to do substantial and speedy justice, the Master-General had the voluminous papers connected with this subject sent to him to Scotland, to make himself master of it, even in the midst of the interesting and absorbing occupation in which he was then engaged. The hon. and gallant Officer seemed to think that it was an insult to the late Board, that Sir George Murray should look for data of his own on which to found his opinion. Now, though Sir George Murray entertained the highest opinion of his predecessor, and nothing could be further from his intention than to cast any reflection on the former Board, still he was not a man to be led blindly by the opinions of others, or to take anything for granted,

when he had grounds on which to form an opinion of his own, and therefore he directed a report to be made of the military value of the premises, with a view to decide whether it were important to retain a power of resumption, which would of course diminish the amount of purchase-money to be placed to the credit of the public. He had been present at an interview between the Master-General and a gentleman of the Committee, in which Sir George Murray evinced every disposition to favour any plan for the gratification of the inhabitants of Gravesend; but distinctly stated, that as a trustee of the public property, he could not compliment away any portion of it to gratify his own wishes, or to please any body of men, however respectable. He would only add, that the Master-General was utterly incapable of the littleness of mind imputed to him.

Petition laid on the Table.

BREACH OF PRIVILEGE—THE MORNING POST.] The Speaker having called on Lord John Russell, who had given notice of a motion on a breach of privilege,

Sir *Edward Codrington* rose and said, that in consequence of what had passed yesterday in the House, and the feeling so strongly expressed by the House on the nature of the attack, he did not wish to go further in the present business, and he hoped the House would go no further in it. The transaction was fully explained, and his conduct fully vindicated. He thought what had taken place would be a sufficient lesson to those whose conduct rendered such a course necessary. He hoped the noble Lord would not press his motion.

Lord *John Russell* was convinced that the character of the gallant Admiral was above suspicion, and when he gave notice of bringing forward the question, he did so on public grounds. So far as the gallant Admiral was concerned, and on account of the gallant Admiral's request, he was not disposed to press his motion; but, having taken up the question on public grounds mainly, he was in the hands of the House, whether he should go on with it or not. The character of the gallant Admiral had been fully cleared; but it was for the House to say whether, in vindication of its own dignity, an anonymous libel of that kind was to be overlooked?

The *Chancellor of the Exchequer* hoped the noble Lord would not bring forward

the subject. He should be very sorry if a precedent were established which would render it necessary for every public man to bring forward subjects of this nature when imputations were cast upon them in the newspapers. If the noble Lord were anxious to become the champion of the House, he could supply him with a great variety of cases. The hon. and gallant Admiral having expressed his opinion, and and having entreated the noble Lord not to bring forward the subject, he should not have any doubt but that the feeling of the House was, that they should not establish a precedent by which every Member of Parliament who was attacked, and might have the grossest imputations cast upon him, would feel bound to defend himself in that House.

Sir *Henry Hardinge* concurred in all that had been said by his right hon. Friend. Had he been inclined to follow the course which had been pursued by the noble Lord, he might have come down to that House, and complained of some very gross attacks that had been made upon him within the last forty-eight hours. He thought it, however, much better to abstain from doing so, as the attacks were too contemptible for notice, and he would not therefore notice them.

Mr. *Sinclair* was understood to say, that if the gentlemen opposite were so anxious to vindicate the dignity and privilege of the House against the aspersions of the newspapers, the newspapers in their own interest would furnish them with abundant materials, for these papers had uttered the grossest libels against gentlemen on his side of the House.

The subject was dropped.

SUPPLY—NAVY ESTIMATES.] Lord *Ashley* said, he wished to explain to the House the difficulty in which the Government found itself, in consequence of certain votes in the Navy Estimates not having yet passed. On Friday next, it would be necessary, in accordance with the usual custom, to give notice in the *Gazette*, that the half-pay of officers in the navy and royal marines, the civil and military pensions, including the Greenwich out-pensioners, would, at a certain time next month, become payable. But it would be impossible to give that notice, unless the Government should be provided with the necessary money to pay those pensions. The notice was usually

given fourteen days before the day of payment, which happened to be the 10th of April, and consequently, the latest day for publishing the notice would be Friday next. Therefore, unless the House would permit him to take the necessary votes to-night, so that he might be in possession of the money before Friday next, it would be impossible for him to publish a notice promising the payment of the pensions in question; and if that were not done, he believed that great confusion in the country would be the result, in consequence of the persons to whom the money was due being led to believe that it would not be paid to them at the appointed time. He was aware that it might be said, that a certain sum of money had already been voted, and that the Government might apply a portion of that money to the payment of these demands; but it should be recollected, that that money had been voted for specific purposes, to defray the charge for the wages and victuals of the sailors, the expense of the Admiralty, scientific branch, &c. He therefore thought, that the Government would not be justified in taking money from that fund which had been voted for one purpose, and applying it to another, to which the House had not assigned it. He had thought it his duty to state these circumstances to the House, and having explained the difficulty in which the Government found itself, he trusted the House would consent to resolve itself into a Committee of Supply for the purpose of passing the necessary votes.

Mr. *Labouchere* would be sorry that any such inconvenience as that alluded to should arise; but he must say, that after listening to the statement of the noble Lord, he could not understand in what way the votes asked for were more necessary than any other votes relating to the army, or any other public service. It was undoubtedly intended by the arrangement entered into last year, that all the Estimates of the year should be passed before the 1st of April, but he repeated, that he did not think the passing of the particular votes in question more necessary than the passing of any other money votes. He believed about 1,000,000*l.* had been already voted for the Navy Service, and that sum might be made applicable to the purpose mentioned by the noble Lord. He knew that the votes had not been reported yet; but he should make no objection to

that step being taken, and then the money might be rendered available for the Navy Service generally. He really thought that the noble Lord had made out no case for the course he proposed to take. The late First Lord of the Admiralty was in his place (Sir James Graham), and that right hon. Member would be able to state whether the view he took of the question was correct.

Sir James Graham said, that when the alteration was made in the Appropriation Act, it certainly was the desire of the officers of the Crown that the estimates for each year should pass before the 1st of April; but it was at the same time foreseen, that great difficulty might probably arise in attaining that object; and in the first year the experiment altogether failed. However, he could not see any constitutional impediment in the way of applying money to one great branch of the public service generally to the use of that branch, after the passing of the Resolutions, and before the passing of the Appropriation Act. The hon. Member for Middlesex would recollect, that the objection which he had taken to the application of the public money to a different purpose than that originally intended, did not refer to such an application as was made in the interval between the passing of the money vote, and the passing of the Appropriation Act. What he objected to was, that after money had been appropriated by Parliament to one service, that money, so appropriated, should be transferred to another. But he never had contended, and never could contend, that in the interval between the passing of the vote, and the final appropriation by Parliament, there ought to be the least difficulty on the part of the Executive in carrying on the service during that interval by the aid of the monies voted. With respect to the present case of the Navy Service, the sum voted the other night amounted to 2,000,000*l.* [*"There is nothing voted."*] The hon. Member who made that observation was quite wrong, because the first five votes of the Navy Estimates had passed, though they had not been reported. Now if he were at the Admiralty, he should not hesitate to apply the money so voted to the general necessities of the Naval Service, including certainly the half-pay due to officers. In such a proceeding he saw no violation of the Act of Parliament, and no departure from the accustomed

usage; and though it was desirable in ordinary cases that exertion should be made to pass the greater portion of the Estimates before the 1st of April, yet he was bound to say, that the control which that House had over the estimates, was a legitimate control exercised over the Executive.

Mr. Herries had heard, with satisfaction, the observations made by his right hon. friend, (Sir James Graham), and was glad to find, that he relaxed somewhat from that rigid rule which he had been formerly disposed to apply to the appropriation of public money; but he (Mr. Herries) confessed, that he did not understand the distinction now drawn by that right hon. Gentleman. The right hon. Gentleman maintained, that after the passing of the Appropriation Act, all the monies appropriated to particular purposes should be strictly confined to those purposes; but he added, that in the interval between the passing of the votes (which was as much an act of appropriation as the Appropriation Act itself) and the passing of that Act, monies might be indiscriminately applied to the necessities of the service for which those monies were voted. He (Mr. Herries) always had maintained that that strict appropriation of money to separate parts of the same service, which had been so much urged on the Government, was in practice impossible. He thought his noble Friend had taken the only course open to him, in explaining the situation in which the Government was placed, and calling on the House for a vote of money. If it were to be understood now, as it had been formerly, that all navy monies might be applied constitutionally to any part of the Navy Service, then there would be no necessity for the proposed vote; but if it were not constitutional to appropriate public money to any other purpose than that to which it was specifically assigned, then it would be necessary for the House, in order to enable the Admiralty to carry on the current service, to furnish it with the means to provide for those payments, which the noble Lord had observed would shortly become due.

Lord Ashley remarked, that there was a distinction in the words regulating the half-pay of the army, and the half-pay of the navy. In the one it was "to defray all demands for the half-pay of the army up to the 31st of March," while in the other it was "to defray all demands for

the half-pay of the navy, which shall come in course of payment on the 31st of March." They were accustomed, in consequence of this arrangement, to defray the expenses of the old quarter out of the quarter which succeeded it, and at the present time, they had not one farthing in hand to pay these demands, and it was on this account, that he wished to go into Committee, for unless the vote was agreed to to-night, it would be impossible to insert the usual notice in *Friday's Gazette*.

Mr. *Hume* said, that if the case was as the noble Lord had told the House, that the half-pay could not be paid until these votes were passed, he, for one, should be very sorry to stop the pay of any half-pay officer. But he could not agree in the propriety of such an arrangement, and he should be glad to learn from the right hon. Baronet who had made the arrangement, how it came to be made.

Sir *James Graham* was decidedly of opinion, that until the Appropriation Act was passed, which was the final act of the Legislature, an application of the money which had been granted to different purposes from those for which it was designed, might be made without any violation of a constitutional principle. A vote of the House of Commons was certainly an indication of the manner in which the money would be appropriated, but until this was done, there was nothing to prevent a discretion being exercised in defraying the current services out of the Appropriation Fund. This was the only way to meet such difficulties when they arose, unless the House would consent from year to year to pass the Estimates before the end of April. As the practice was now, Parliament did not meet till the middle or the end of February, and it was hardly constitutional to call upon the House to pass these Estimates within six weeks from their being first assembled, as it would go to weaken or take away the check which the House was enabled to exercise over the Executive. He attached, as well as the right hon. Secretary-at-War, the greatest importance to a proper strictness being observed with reference to the Appropriation Act, but publicity was the best preventive against abuse, and the best way would be to defray the expenses of the current services out of the money voted for those services, being somewhere about 2,000,000*l*. He saw no difficulty whatever in adopting this arrangement.

Mr. *Wynn*, with all possible deference to the opinion of the right hon. Baronet, who had had so much experience in the department to which these votes related, would contend, that by yielding to the argument, which the right hon. Baronet had employed, the House of Commons would surrender their most powerful means of control over the Executive. If money voted for one purpose might at the pleasure of the Government be applied to another, there was no saying where such a principle might lead to. There had been a declaration made by the House of Commons, that if money which had been voted for one service should be applied to another, the party making or authorizing that application should be guilty of a misdemeanour. If it was allowable to apply a sum voted for wages and victualling to defray the demands made for half-pay, on the same grounds it might be applied to the use of the army, the Colonial Department, or any other purpose. He did not believe that there would be the slightest opposition to voting the half-pay and the money to be paid to pensioners. There was no objection which could be raised against the House going into Committee, particularly as the necessity for it had arisen from circumstances over which the Government had no control, and it was the safest and best course which could be pursued.

Mr. *Pryme* would ask whether this embarrassment did not arise from the late dissolution of Parliament, which had driven off the assembling of the Parliament till the latter end of February, instead of admitting of their coming together in the beginning of that month, or the end of January? He would not throw any obstruction in the way of the House going into Committee, but he would remind the House, that this was one of the many evils occasioned by the dissolution of the late Parliament.

Dr. *Bowring* concurred in the opinions expressed by the right hon. Secretary at War, and the right hon. Member for Montgomeryshire. There was very great difficulty in administering the expenditure with regularity, and this difficulty would be enhanced if the plan of the right hon. Baronet, the Member for Cumberland, was acceded to. If money which had been voted for other purposes might be applied to meet the demands made for half-pay, this kind of application, without the au-

thority of Parliament, might take place to an extent, which could not be overtaken by Parliamentary opinion. The House could not entertain the question of public accountancy in all its details, but it was in its power to determine that the money it had given for one object should not be applied to another.

The *Chancellor of the Exchequer* said that the Question for the House to consider was, whether the more advisable course to pursue was to vote the money for the half-pay and the pensions together, or pass the one first, and leave the other to a future occasion. His noble Friend would leave this altogether to the discretion of the Committee. It was in conformity with all practice that on Friday next a notice should be inserted in the *Gazette*, stating that the half-pay of officers would be paid. His noble Friend did not wish to publish such a notice without first obtaining, as the more regular mode of proceeding, the sanction of the House, for otherwise the effect of that publication would be to pledge the honour of the Government to a vote, which the House might not authorise. He (Sir R. Peel) certainly thought that the most prudent and the safest course for the House would be to sanction the vote asked for to-night and not leave the payments necessary for the public service to be made out of money intended for other purposes. He certainly should not like to lay down as a rule that this should never be done, but the question was, which was the safer course? It might undoubtedly happen that the exigencies of the public service might require an appropriation by the Executive of money to other heads of service than those for which it had been designed, but this could only be justified by necessity. If a different principle were admitted, it might occur that the Government having got a vote for the payment of men, and thinking that the erection of particular fortifications would be very desirable, it might apply the money to that purpose. Now, he thought the House would pause before it laid down a principle so broad as that. The question was, on which side lay the balance of inconvenience?

Lord Stanley had no wish to stand in the way of the right hon. Baronets arrangements with the House, but he could not help thinking that the right hon. Gentleman had a little misunderstood his right hon. Friend near him (Sir

J. Graham). What his right hon. Friend said was, that if there was any surplus, it was perfectly competent for the Executive to apply it to the service of the State. No abuse could arise, because the application of it could easily be checked. His right hon. Friend did not think it competent to the Government to apply any monies to any purposes they might think fit. This would be open to great abuse undoubtedly. He did not think the constitutional difficulty was at all serious. He was afraid that if the House was disposed to entertain these extreme scruples, both the present and every future Government would be placed in much greater difficulties than those in which they were at present.

The *Chancellor of the Exchequer* had stated that he should be unwilling to lay it down as a principle that no exigencies of the public service would justify such an arrangement as that proposed by the right hon. Baronet. The Question was one of the balance of inconvenience, and there could be no doubt that the danger to be apprehended from the precedent that would be thus established would be an inconvenience much greater than the course which he wished to pursue.

Lord John Russell did not take a very different view of the Question from that entertained by the right hon. Baronet, and he should consent to go into the Committee of Supply, with the understanding that no other vote should be brought forward than those which had been mentioned in the course of the discussion.

INTERCHANGE OF LITERATURE WITH FRANCE.] On the question being put that the Speaker leave the Chair,

Dr. Bowring asked the right hon. Baronet whether he was prepared to give answer to the question which he had some time ago put to him, as to the interchange of literary works between England and France.

The *Chancellor of the Exchequer* believed the question related to whether one of the eleven copies of works which were furnished by all publishers to certain libraries should be exchanged with France for a copy of the works of that country. The right of having one copy had been agreed to be purchased from the University of Aberdeen at a sum of 500*l.* a-year. But supposing the arrangement were made which was proposed by the hon. Gentleman, he

doubted very much whether any advantage would result to either country by it. He knew that the trade felt the furnishing of those eleven copies to be a great hardship, and he doubted whether it would be a great advantage to France to receive a copy of all the annuals and novels that were published here. He himself thought it would be better to give up the privilege that had been purchased of receiving these works altogether, and let the advantage remain in the hands of the publishers. If 500*l.* worth of books were sent to France, of course this country would expect an equivalent; and in his opinion it would be better to leave both countries to go into the market themselves, and there to purchase whatever they might require.

Dr. Bowring said, the Government of France was very desirous this interchange should take place between the two countries, with the condition that it should not be interrupted either in peace or by war.

The *Speaker* intimated to the hon. Member that he was out of order in making these observations, when there was no Question before the House.

The House then resolved itself into a Committee of Supply, and money voted for the Naval half-pay and pensions.

SUNDAY OBSERVANCE BILL.] Mr. Poulter moved the Order of the Day, that the Sunday Observance Bill be read a second time.

Mr. Warburton could not see the necessity of this Bill. Looking at the habits of the people at present, and comparing them with the past, he did not perceive that they were becoming more and more irreligious, or at all the less observant of the Sabbath-day. In reviewing the acts of the Legislature of the country for the last two hundred years, he incidentally discovered that the people were less religiously disposed formerly than they were at present. By an Act of James 1st, he found that markets and fairs were prohibited from being held on the Sunday, except markets for victuals. By another act, he was not sure, but he believed of Charles 1st, he found that fairs were forbidden to be holden on a Sunday, except in harvest time. Indications such as these, with various others that might be mentioned, incidentally, established the fact, that the Sabbath at present was much more rigorously kept than formerly. And if hon. Gentlemen about him would tax their

recollections, he did not doubt but there were many among them who must remember, that thirty or forty years ago Sunday evenings were devoted to parties of gaiety. Sunday was the favourite day, and he had himself at that period attended where there were clergymen present, who did not appear to think it any sin to join in the singing of glees. He remembered one house in particular that he used to visit, it was the house of a very learned physician, who used to devote that evening to a *conversazione*; he had been often present, in company with three or four Bishops, and the conversation was of a grave and discreet kind, and the time was passed in agreeable amusement. Looking at these things he could not conceive, that it could with any fairness be asserted, that the Sabbath met with less attention than formerly; but, on the contrary, that in modern times it had met more, and more now than it did so late as thirty or forty years ago. What indications were there, that it was the public habit to desecrate the Sabbath? He could find none. With respect to the present Bill, it had been asserted, that it was different from that of last Session. It was not so far different, but it was to prevent keeping open shop and trading. Now, in an Act of Parliament, "open shop" was a loose expression. What was open shop? Why, leaving a door open might be construed into open shop, or one shutter might make it open shop, and indeed he could scarcely see what would make it keeping close shop. But under the clauses as they now stood (as clause 1), the sale of many articles were prohibited, which were absolutely necessary for the refreshment of the numerous body of the public, who, on Sundays took their only opportunity of taking recreation and exercise in the fields. He must say, that under these clauses, they would prevent the public from taking those refreshments which were necessary, to convert Sunday (as he wished them to do) into a day of innocent recreation. It was upon these grounds then that he saw great inconvenience in passing the Bill. Looking at the clauses, and seeing that they would throw impediments in the way of the manufacturing and trading public of walking from their crowded cities, and taking recreation on that day, he begged to move by way of Amendment, that the Bill be read that day six months;

Mr. *Potter* understood it had been distinctly stated by the hon. Gentleman who introduced the Bill, that it was very different from the Bill of last year. With a slight exception he found it the same, and hoped that it would meet the fate of its predecessor. The Bill of last year underwent a great many Amendments, and this Bill could not pass without undergoing a great many more, and he submitted, that the time of the House should not be taken up by unnecessary discussions on Sabbath Bills. He wished the Gentlemen who were so anxious for legislating on the Sabbath would read a document published in the summer of last year, written by the liberal and enlightened Dr. Butler, of Shrewsbury, and delivered as a charge to the Archdeaconry of Derby. He would read an extract from that charge, in which he entirely concurred:—"One or two efforts have been made, evidently so uncongenial to the spirit of freedom and liberty which belongs to our constitution, so harsh in their restrictions, and so unequal in their operation on the different classes of society, that we ought, I think, most heartily to rejoice at their rejection. Furthermore, the severest prohibitions will not effect the truly religious observance of the Sabbath, by influencing the heart. Rather will they tend to bring odium, not only on such legislation, but on the sacred day itself; and by turning it into a day of ascetic gloom instead of religious cheerfulness, may conduce to harden men's hearts, but not to convert them. Acts of Parliament may perhaps be so framed as to provide for the decent external observance of this day; but what Act of Parliament can reach the heart? Could all men be compelled by Act of Parliament to attend divine worship on this day, how little would be done towards making them religious when their attendance was compulsory! It is the will that gives the life and meaning to the act; and this leads me to mention what I consider as far more likely to be efficacious in promoting the proper observance of the Sabbath than a whole statute-book of Parliamentary enactments—I mean, the gentle force of persuasion and example. I have watched, myself, and I have consulted others who have made the same observation, and who concur with me in thinking, that since so general an expression of public opinion has been elicited respecting the desecration of the Sabbath, the good feeling of

the people has sympathised with it; and that, although there may be some places where the evil is not yet remedied, this holy day has been generally observed of late with much more solemnity and propriety than heretofore. A point which seems to have been overlooked by some legislators on more than one occasion, is the very wide difference between a metropolitan and country population. In large towns, and especially in the metropolis, excesses will prevail which are unknown in more thinly inhabited districts. Again, they who have been confined in the close and heated air of manufactories and shops, in narrow streets, and crowded and ill-ventilated apartments for six days continually, naturally wish to breathe a freer and purer air and to enjoy a refreshing relaxation on the seventh. To debar these from their usual and only gratification, that actual rest from their labours, and, I may add, that moral enjoyment which they can only receive on this day, would be as oppressive as it fortunately is impossible." He believed that not all the police force in the country could carry the wishes of the framers of Bills like this into effect.

Sir *Samuel Whalley* said, that if he considered the measure to be at all like the Bill which was introduced last Session, he should vote for the Amendment. But he thought a single sentence would induce hon. Members to accede to the second reading of the Bill. It was merely to make more effectual a law passed in the reign of Charles 1st.; to close such shops as might not be necessary to the comfort and convenience of the people. The hon. Member says, in answer to the petition on behalf of the market gardeners, that he did not intend to prevent the sale of fruits on the Lord's day. He was sure that the hon. Member, knowing that for six days the labouring classes were pent up in close shops or manufactories, would not attempt for a moment to withdraw them from the pure air of heaven and all innocent amusements which were compatible with the observance of the Lord's day. But it was fit for the Legislature to give every opportunity to the maintenance of a religious observance of the Sabbath among the people, so far as they could without interfering with that innocent recreation and comfort which the people were so justly entitled to; without endeavouring to attain that impracticable object, making the working people religious by Act of Parliament.

They were to look for the accomplishment of so desirable an object, to the influence of the example of the higher classes—they must abstain from amusements which are so commonly given on the Sabbath day—they must no longer see that flux of carriages crowding the Zoological gardens and the parks, before they put, without shame, an end to those of the lower classes, on the only opportunity which they ever have of tasting those luxuries which their superiors so fortunately enjoyed. It was on these grounds—not from a view of supporting the Bill in its present shape, but from a wish to see what amelioration it might produce, that he should vote for the second reading; with the full determination, that if, in the Committee, all its objections were not removed, and if it still continued to interfere with the enjoyments so common on the Sabbath, he should think himself fully at liberty to throw out the Bill at any subsequent period.

Mr. *Poulter* only desired a just and reasonable concurrence between the law of the land and the manners of the people. He was aware that religious people always could obtain the exercise of their religion, but it was the object of his Bill to obtain a decent observance of religion at all places. On the second reading of the Bill of last Session he had received a letter from the worthy Archdeacon D'Oyley, of Lambeth, stating that there was more trade carried on in that parish on a Sunday than on any other day, and he trusted that the House would not assist in maintaining such a state of things. With regard to the argument used, as to what was open shop, he presumed that it would be interpreted by the law according to the *quo animo*. It would not be considered an open shop because there was an open shutter, or an open door for the family to come in and go out, but according to whether or no there was trading carried on. To prove the liberal way in which the law was generally construed, he need only state, that by the Act of Charles 1st all places were excepted that were open for the sale of meats, and all cook-shops and victualling houses; and the sale of milk was permitted before the hour of nine in the morning and after four in the afternoon. But to show the large exception the law allowed, it was decided by the Court of King's Bench that a baker's shop, open for the cooking of dinners, should be looked

upon as a victualling-house, and, consequently exempt from the penalties of that Act. The measure now before the House would, he had no doubt, be interpreted with equal latitude, and its great object was to prevent all disgraceful kind of trading, and to prevent any new excitement being given to Sunday trade which did not now exist; it expressly repealed the statutes 30 George 1st, and 2 George 4th, and 3 George 4th. The Bill did not at all interfere with the poor man at proper hours providing his dinner, and he trusted the House would permit it to be read a second time, particularly when they remembered that the petitions in favour of the subject last Session amounted to above 2,000, and the signatures exceeded half a million.

Mr. *Hawes* objected to the Bill going into Committee, for the Act of Charles 2nd it proposed to enforce was practically obsolete.

Sir *Robert Bateson* had for the last two months come down, day after day, with the view of presenting several petitions, praying for the better enforcement of the observance of the Sabbath. He felt it a duty to a large constituency, who were anxious for the passing some law on the subject, to give his support to this measure. He was not to be daunted by the sneers or taunts of those who advocated the necessity of free trade. The well-wishers of free trade attacked the subject covertly; they were afraid to come forward openly, for they would have their arguments refuted. He trusted that the hon. Member for Shaftesbury (Mr. *Poulter*) would not be intimidated, but persevere in his intentions.

Mr. *Lennard* said the Bill expressly revived the statute of Charles 2nd. And the statute of George 2nd, which excepted the healthy amusement of boating from its other interdictions, would also be repealed by it, and thus that delightful recreation would be forbidden. If this Bill were to be passed into a law it must be very much altered. In its present state he could not support it.

Mr. *William Ord* had an objection on principle to the Bill before the House. It was founded on exceptions. No Bill should proceed upon such a principle.—Properly speaking, the exceptions destroyed the principle, and, therefore, the measure had no principle at all. It would, he was satisfied, be found to be a mere in-

effectual attempt to deal by legislation with a subject, which, from its very nature, defied legislation. He wished that all statutes respecting the regulation of the Sabbath were blotted out of the Statute Book, and that the preservation of the sanctity of that day was left entirely to the conscientious feeling of the people. As the exceptions to the Bill before the House were so numerous as to completely destroy the principle of the measures, and as it consequently was without any principle at all, he felt it to be his duty to oppose its further progress.

Mr. *George F. Young* said, the opposition to the Bill was of the most pernicious character. He could scarcely refrain from perceiving that those who opposed it seemed determined to break down all distinction between the Sabbath and the week day. He trusted that the House would never consent to such an encroachment, for if they did the poor man alone would be injured by it. At present the labourer worked six days in the week, and rested on the seventh. The object of the Bill of the hon. Member for Shaftesbury went to affirm that regulation and enforce it. If the principle which the opposers of the measure advocated, the entire freedom of Sunday trading, were once admitted by the Legislature, the poor man would be compelled to work the remaining day, the Sabbath, and he would get no additional wages. That something was necessary to be done for the suppression of the evil of extravagant Sunday trading the number of petitions which had been presented to the House sufficiently proved. He was, he confessed, much astonished to see hon. Members, in opposition to the measure, who, on all occasions took so much credit to themselves for liberality of sentiment and respect for the petitions of the people attend so little to either in respect to the Bill before the House. Believing the Bill before the House to be one calculated to effect the object in view, he should give it his support.

Mr. *Ewart* was convinced, that the Bill would have no effect whatever in promoting the better observance of the Sabbath. As far as he could judge of the temper of the House, and the inclination of the country, he never knew an opposition to any measure to be so extended, so uniform, so temperate, and at the same time so determined. The measure was radically de-

fective, for it gave exclusive privilege to a certain class, while it took away privilege from another. It was consequently most unfair. It proposed to enforce the observance of the Sabbath, and yet it left servants, and others of that condition, under the control of their masters, and compellable to work. Thus, while its ostensible object was the preservation of the sanctity of the Sunday, it in reality countenanced its desecration. To be consistent with its purpose and its title, it should have gone farther, or not gone so far. He should therefore oppose it.

Mr. Secretary *Goulburn* had, on more than one occasion, given his support to measures which had for their object the preservation of the sanctity of the Sabbath, so that he thought he needed do no more than repeat his conviction, that some additional means of effecting that desirable object to those already in existence were required. He had not, however, supported some Bills which purported to have the same general object in view as the present measure, because he believed they went beyond those limits where legislative interference should stop short. The Bill of the hon. Member for Shaftesbury was not open to this objection; it went to the exact limits which it ought to stop at, and went no further. It prevented only the obvious and publicly offensive desecrations of the Sabbath, and did not interfere with those harmless enjoyments of the poorer classes which were embraced by the other measures to which he had alluded. He (Mr. Goulburn) therefore thought the hon. Member had acted a wise part in limiting its provisions to those bounds, and exempting it by that means from the just exception to former measures—measures, he would say, brought forward in the best spirit, but with an erroneous view of the subject on which they sought to interfere. The hon. Member for Liverpool had said, that the Bill took away the privilege of a certain class, and instanced servants in support of his argument that Sunday trading should not be interfered with. But the argument of the hon. Member, to be of avail, should be extended farther; and, if it were extended farther on the principle sought to be established, the theatres might be opened on the Sabbath. [Mr. *Ewart*: There was a special Act against opening the theatres on Sundays.] He admitted that, but he also begged to remind the hon. Member,

that there existed a special Act against all desecration of the Sabbath. That Act, however, was found so foreign to the present state of society in this empire, that it was permitted to remain obsolete. Another hon. Member had said, that he should rather the observance of the Sabbath was left to the feelings of the people, than to the interference of the Legislature. He did not desire to compel the consciences of others, but the abuse was one which called for redress. It should be borne in mind, also, that the continuance of the desecration of the Sabbath hurt the feelings and offended the consciences of the religiously-disposed portion of the community; and he thought the House had a distinct right to attend to their feelings, as much as to those of any other class. Besides the evils which he had enumerated, the desecration of the Sabbath led to others of a more serious description. It fostered and encouraged vice in youth, and gave rise to many of those great crimes which the records of our courts furnished us with daily. The House should pay attention to trade, and consult its interests, it was true; but they should also attend to the conscientious feelings of religious people, and the bad examples which laxity of discipline on this day was likely to have upon the morals of the younger portion of the community. With respect to the observance of the Sabbath, he could say for himself that he entertained no austere feelings or impracticable opinions. He would not wish to debar the poor man from those innocent recreations on that day, which did not desecrate its sanctity, while they invigorated his frame against the ensuing week of labour, and made him look up with more gratitude to the Great Author of all being—the source of all happiness. The subject was one on which he (Mr. Goulburn) could enlarge at considerable length, but he would not trespass on the attention of the House further. He hoped due regard would be had to the feelings of the people and the interests of religion, which could be shown no better than by suffering the Bill to be read a second time.

Mr. Clay said, that the opponents of the Bill took their stand on the fact, that Sunday trading was not so great in amount as to require legislation to prevent it. A great deal had been said about not offending the consciences of religious people. Other people had consciences as well as

religious people, and if the one were protected, he did not see why the other should not be equally so. Why did not hon. Gentlemen who supported that Bill, go to the extent of the Puritans in the time of Cromwell? If the argument was good in the one instance, it was good in all. They ought to enforce the observance of the Sabbath with the utmost strictness, or not at all. The extent to which the restriction went was scarcely exaggerated in the following lines in *Drunken Barnaby's Journal*:

Veni Banbury. Oh! profanum!
Ubi vidi Puritanum
Felem facientem furem
Quia Sabbatho stravit murem.

But what was the consequence of this excessive strictness? Why, such a reaction took place in consequence, that in the reign of Charles 2nd, the Sabbath was no better observed than it was in the present day in France. It was to enable the artisan to enjoy the luxury of his Sunday dinner, that Sabbath labour was now required; and the same would be the case, if there were no restrictions on Sunday. Therefore the argument of the hon. Member for Tynemouth fell to the ground as to the labourer and artisan being compelled to work on that day, as well as the other six. As far as his (Mr. Clay's) observation of the metropolis went, he would fearlessly say, that in ninety-nine cases out of one hundred, Sunday trading was limited to procuring enjoyment for the artisan, the labourer, and, generally, the working classes. Under these circumstances he should oppose the second reading of the Bill.

Mr. Pringle said, that the Bill was founded on the report of a Select Committee of the House, who had examined evidence, and taken every pains to procure information on the subject. If the hon. Member for the Tower Hamlets had read the report and the evidence given before the Committee he could not have stated that Sunday trading was not too great. Any hon. Member, however, who wished to take the evidence of his own senses on the subject, needed only go through various parts of London on a Sunday morning, Tooley-street, Lambeth, and St. Giles's, and he would soon be convinced of the incorrectness of the hon. Gentleman's statement. It would, he was aware, be urged against the suppression of Sunday trading, that the artisan and labourer were

not paid their wages till late on Saturday night; but all practical men were agreed that that was the effect and not the cause of it. Most of the witnesses examined before the Committee said, "Suppress the Sunday markets, and you will compel the employers to pay their labourers and mechanics on the Friday." The complaints against it were not confined to the religious portion of the community; they came from the Sunday traders themselves. Butchers said that more than half their sales were made on the Sabbath; and other trades were equally busy, to their great annoyance in many cases, and personal inconvenience in others. He should support the Bill in its further progress.

Colonel *Evans* said, that the Bill if passed in the present shape would have the effect of reducing many thousands to a state of beggary. It would also trench very deeply upon a certain portion of the trading property of the metropolis. He much regretted the hon. Member for Shaftesbury did not see fit to take these things into his consideration previous to coming forward with any legislative interference on the subject of the Sabbath. As he wished all information possible on the nature of the Bill he desired to know of the hon. Member, whether it was contemplated by it to prevent the sale of fruit, vegetables, fish, and all other perishable commodities left over Saturday night on the Sunday?

Sir *A. Agnew* hoped that the hon. Member for Shaftesbury would not enter into any compromise or entertain any suggestion made by the enemies of Sabbath legislation. If he did, the effect would be an impairing of the utility of the Bill, perhaps its destruction. He (Sir *A. Agnew*) was happy to find a growing number of hon. Members in the House disposed to respect the petitions of the religious portion of the community, and interfere to prevent the desecration of the Lord's-day. The Bill should have his best support.

Mr. *Hume* was disposed to vote for the second reading of the Bill until he had heard the observations of the hon. Baronet addressed to the hon. Member for Shaftesbury. He was very unwilling to trust the measure in Committee to a man who could advise another not to listen to any reasonable suggestion. He wished to know of the hon. Member for Shaftesbury whether confectioners' shops, or those traders who travelled from place to place in steam-

boats on a Sunday, to provide refreshments for the passengers, would be interfered with by his Bill?

Mr. *Poulter* replied that confectioners' shops fell under the equitable construction given to the Act of Charles 2nd by the Court of King's Bench; and the Bill had no reference whatever to what was done on board steam-boats.

The House divided on the original Question that the Bill be read a second time:—Ayes 121; Noes 45; Majority 76.

Bill read a second time.

List of the Ayes.

Agnew, Sir A.	Hindley, C.
Ashley, Lord	Hogg, J. W.
Astley Sir J.	Hutt, W.
Alsager, Captain	Harvey, D. W.
Archdall, M.	Hardy, J.
Bateson, Sir R.	Johnstone, Sir J.
Balfour, J.	Johnston, A.
Buller, C.	Johnson, H.
Broeklehurst, J.	Irton, S.
Berkeley F.	Kirk, P.
Bulwer, H. L.	Lefroy, A.
Bonham, F. R.	Lennox, Lord G.
Barnard, E. G.	Lennox, Lord A.
Baines, E.	Lister, C.
Brotherton, J.	Law, Hon. G.
Bagshaw, J.	Lowther, J.
Bewes, T.	Lopez, Sir R.
Bailey J.	Lincoln, Lord
Bruen, F.	Lemon, Sir C.
Brownrigg, J. S.	Lucas, E.
Barneby, J.	Lushington, C.
Baring, T.	Mandeville, Lord
Cayley, E.	Miles, W.
Chapman, A.	Maxwell, A.
Crews, Sir G.	Morpeth, Viscount
Clerk, Sir G.	Mullins, F. W.
Crawley, S.	M'Taggart, J.
Castlereagh, Viscount	Nicholl, J.
Chatterton, Colonel	O'Neill, General
Dundas, R. A.	Parry, Colonel
Dalbiac, Sir C.	Pease, J.
Duffield, T.	Pryme, G.
Dare, R. W. H.	Pusey, P.
Dobbin, L.	Pemberton, T.
Etwall, R.	Præd W. M.
Eastnor, Viscount	Pringle, A.
Egerton, Lord F.	Perceval, Col.
Finch, G.	Price, Sir G.
Fremantle, Sir T. F.	Rolfe, R. M.
Forbes, W.	Rickford, W.
Forster, C. S.	Rae, Sir W.
Fergusson, C.	Russell, Lord J.
Forester, Hon. G.	Richards, J.
Goulburn, Hon. H.	Ross, C.
Goring, H. D.	Rundle, J.
Gully, J.	Ryle, J.
Grey, Sir J.	Scott, Sir E.
Hay, Sir J.	Stewart, Sir M. S.
Hope, Hon. J.	Sheppard, T.
Hamner, Sir J.	Strickland, Sir G.
Hall, B.	Somerset, Lord E.

Somerset, Lord G.	Walker, R.
Sharpe, General	Wallace, R.
Tooke, W.	Whalley, Sir S.
Thomas, Colonel	Wodehouse, E.
Trench, Colonel	Young, G. F.
Twiss, H.	Young, J.
Vere, Sir C.	TELLERS.
Verner, Col.	Poulter, J.
Verney, Sir H.	Fremantle, Sir T.

List of the Noes.

Aglionby, H. A.	Marsland, H.
Attwood, T.	O'Brian, C.
Barry, G. S.	O'Connell, J.
Bish, T.	O'Connor, Don.
Bodkin, J. J.	O'Loughlen, Mr.
Brady, D. C.	Oswald, R. A.
Bridgeman, H.	Phillips, M.
Butler, Hon. Col.	Potter, R.
Clay, W.	Power, P.
Crawford, W. S.	Powers, J.
Dennistoun, Alex.	Roche, W.
Dobbin, L.	Sharpe, General
Dunlop, C.	Tancred, H. W.
Fielden, J.	Thornley, T.
Finn, F.	Trelawney, Sir W.
Fitzsimon, N.	Turner, W.
Fort, J.	Wakley, T.
Hawes, B.	Warburton, H.
Hawkins, J. H.	White, S.
Heathcote, R. E.	Williams, W.
Hector, C. J.	TELLERS.
Hume, Joseph	Ewart, W.
McCleod, R.	Ord, W. H.
Mangles, J.	

REGISTRATION OF VOTERS.] Lord *John Russell* moved the second reading of the Registration of Voters' Bill.

Mr. *Warburton* deprecated the enormous expense attendant upon re-opening the registers before Committees, who, under that Bill, if it should pass into a law, would have the power of doing so. He should oppose that Clause of the Bill.

Lord *John Russell* would not press the Clause to which the hon. Member for Bridport objected, if the sense of the House were against him.

Mr. *H. Bulwer* thought there were some regulations in the present measure more unfair than in the former.

Mr. *Bernal* was decidedly opposed to the Clause for opening up the lists before a Committee, but he admitted that the present was not the proper time for going into a discussion on the subject.

Sir *Henry Hardinge* approved of the Bill, and thought it a great improvement. He was in favour, too, of the clause which was censured, as he thought that the House could never give up its right to revise the decisions of the registering barristers.

Mr. *W. Ord* had no objection to a reference to a Committee as a Court of Appeal against decisions by the revising barrister, but he had a strong objection to sending original cases for their judgment.

Mr. *Praed* could not understand why, because voters had been put to one expense in obtaining a decision on their claims, they should be exposed to have the expense doubled.

Mr. *Grote* said, that if he understood the object of creating revising barristers, it was to settle disputed votes cheaply and expeditiously on the spot; but the country would be deprived of that great benefit if a Committee of that House were allowed to have an original jurisdiction on the subject. This would have the effect of giving a certain victory to the rich at the expense of the poor.

Mr. *Goulburn* doubted whether, if an original jurisdiction were denied to the Committee, it would not greatly increase the expense to the voter; for if it were known that no votes were to be open to discussion but those which were questioned at the time of registration, the number of objections to votes would greatly accumulate.

Lord *John Russell* said, that the Committee would be the proper place to go into the details of the measure. He would add, that it could not have been intended by the Reform Bill, to deprive a Committee of that House of the power of questioning the validity of votes. He objected to sending the Bill to a Select Committee, the only effect of which would be to have their Report pulled to pieces when it was presented to the House. He would prefer sending the Bill in the usual way to a Committee of the whole House; but to give time to consider the subject, he would defer the Committee till after Easter.

Bill read a second time.

LIGHT-HOUSES.] Mr. *Hume*, in pursuance of his notice, called the attention of the House to the Report of the Select Committee on Light-houses, with a view to their consolidation under one management. This Committee was appointed in the last Session of Parliament, for the purpose of taking into consideration the state of the Light-houses in the United Kingdom, the expense of maintaining them, &c. Highly important as the subject was, it had never before undergone a

sufficient parliamentary investigation. It was perfectly clear, from the evidence taken before that Committee, that not a year passed without the loss of many lives, and the sacrifice of considerable property, for want of adequate light-houses on the coasts of Great Britain and Ireland. The evidence also proved the existence of the greatest abuses in the management of the existing light-houses; and it appeared that, in England, those abuses prevailed in a tenfold degree as compared with the abuses in Scotland or Ireland. The greater part of the light-houses were placed, by charter, from the Crown, under the management of the Trinity-house; but many of them were the property of private individuals; and the latter constituted one system of jobbing and plunder. He would read some extracts from the Report to show the number of public and private light-houses, and their comparative charge on the public; but, before he gave the particulars, he would remark, that it was surprising that while the shipping interests in the country were complaining of the distress which they stated they suffered from the competition with foreign ships, no steps should have been taken by the Government of the country to relieve them from the exactions to which they were so long exposed by the tolls collected from those light-houses. The hon. Gentleman then read the following summary of light-houses in the United Kingdom:—

No. 1.—ENGLAND.

	Light-houses.	Floating.
Trinity-house	42	13
Under management of do.	1	1
Private { On lease from do.	3	0
hands { Crown	7	0
{ Patent, Act of Parliament	4	0
	57	14
Local, or Harbour do.	51	4
	108	18

No. 2.—SCOTLAND.

Northern Light	25	0
Local, or Harbour do. ..	28	0
	53	0

No. 3.—IRELAND.

Ballast Board	23	3
Ditto Harbour	9	0
Ditto do, without revenue	5	0
	37	3

	Public Light-houses.	Floating.	Local.	Total.
No. 1.—England ..	57	13	51	126
2.—Scotland ..	25	0	28	53
3.—Ireland ..	23	3	14	40
Total of each ..	105	21	93	219

The whole north-west coast of Scotland was in such a state, for want of light-houses, that it was not surprising that so many shipwrecks occurred upon it. He could say, also, that on the west coast of England, there was a great annual loss of vessels and lives from a want of lights. The next question was, as to supporting these lights. Now, it appeared, that the fifty-five public land-lights were kept up at an expense to our shipping of 83,000*l.* a-year; the expense of collecting cost 6,600*l.*, and the maintenance, 35,500*l.*, leaving a surplus of 4,885*l.* in the hands of the Trinity House. What was the ground of charging this large surplus on our shipping? This was no doubt an extravagant demand, but what was it compared to the charge for the private light-houses? The cost to the shipping for fourteen private light-houses, was 79,676*l.* a-year. The expense of collection was 10,000*l.* a year, an immense sum for that amount, and what did the House think was the charge for maintenance? The sum was 9,100*l.*; so that deducting the charge for maintenance of 9,100*l.*, there was taken from the pockets of the shipping interest the sum of 70,000*l.* a-year for no advantage whatever to them, but to enrich individuals. But even allowing for the enormous and extravagant charge of collection, the public paid 60,000*l.* a-year, which went into the pockets of private individuals, and for what?—for the trouble of laying out 9,100*l.* for the maintenance of those lights. Was this to be borne? But was it not more intolerable, when it was known that with all this enormous outlay, our coasts were notoriously defective in light-houses? In Scotland, the nett surplus, after deducting the expenses of maintenance and collection, was 20,051*l.*, but this surplus was not wasted, but was applied to the erection of new light-houses, and other harbour improvements in that country. In Ireland, though the expense of maintenance was 18,805*l.*, there was still a nett surplus of 21,595*l.*, which was also applied to the same purposes as in Scotland. But if the surplus receipts in Ireland and Scotland were not improperly

disposed of, was that the case with those of England? He answered no. The Trinity House had already an accumulated fund of upwards of 150,000*l.*, and were still in the receipt of a surplus annual revenue of 32,000*l.* and upwards. That surplus amount, it was true, they expended annually in pensions to sailors, masters' mates, and their widows. With that Administration he was not inclined to find fault, but his objection was, that alterations which had been recommended by two Committees which had been appointed by the House, had not been effected. Besides the light-houses under the control of the Trinity Houses, there were fourteen lights held by private individuals. Of these there were three classes—first, three lights, which levied annually about 23,000*l.*, while the cost of maintenance was only about 2,700*l.*; by the second class, consisting of seven light-houses, 24,800*l.* was levied, though their expense of maintenance was only about 2,700*l.*; and by the third class, comprising four light-houses, a sum exceeding 31,000*l.* annually was levied, the charge of maintaining which four light-houses did not exceed 3,216*l.*; thus showing that 79,376*l.* was levied for these fourteen lights from the public, while the expenses for their maintenance was only about 9,000*l.* He was sure that it was only necessary for him to mention this fact to induce the House to concur with him in the opinion, that this state of things ought not longer to be allowed to exist. He contended, however, further, that the Trinity House should never have been permitted at any period to lease out their powers, because by doing so they had lost their control, and while they had made considerable reductions in the charges for their lights, the public were saddled with the higher scale of charge by individual leaseholders. It was but right, however, to state the aggregate amount of the receipts and expenditure of some of the light-houses so leased. He had already stated, they comprised three classes; he would take one of the second class comprising seven light-houses, held by individuals under leases under the Crown for a period of years. In Harwich, for instance, leased to General Rebow, the gross receipts for the year 1834 were 9,270*l.*, the expenses of collection 1,196*l.*, and the maintenance 420*l.*, leaving a nett surplus of 7,654*l.*, of which 4,594*l.* was

paid to the Crown, and 3,060*l.* to the lessee. It was worthy of remark, that though his Majesty had been advised to renew these leases in 1817, their renewal was in direct defiance of Committees of the House, and of the opinions deliberately given by the then Law Officers of the Crown. Next came the case of the Dungeness light-house, the lease of which had also been renewed to Mr. Thomas William Coke, contrary to the recommendation of the Committee of that House, and after a pledge from the late Mr. Huskisson and the present Secretary-at-War, then a Minister of the Crown, to give the subject a proper consideration; yet notwithstanding this, and further in contravention of the Treasury correspondence annexed to the Report, from which it appeared that the lease was not to be renewed, it was renewed in 1827 or 1828, upon a letter directing such a course. Returning, however, to the receipts, &c., of the Dungeness light-house, it appeared that even on a reduced scale, the amount levied in 1832 was 5,484*l.*, the collection of which cost 720*l.*, and the expense of maintaining it was 628*l.*, leaving a nett surplus of 4,136*l.*, which was divided in the proportions of 2,068*l.* to the Crown, and 2,068*l.* to the lessee, Mr. Coke. In the case of Wintertonness, leased to Lord Braybrooke, the receipts levied, had at the same period been 9,545*l.*, though the expenses of collection were only 1,153*l.*, and of maintenance, 864*l.*, so there was a nett surplus of 7,527*l.*, and which surplus was divided thus—3,763*l.* to the Crown, and the same amount to the noble lessee. He would not trouble the House with the details of the smaller light-houses of this same class, suffice it to say, that the receipts of these seven light-houses in one year amounted to 24,862*l.*, from which deducting 2,072*l.* for the expense of maintenance, and 3,139*l.* for collection, a nett surplus remained of about 19,650*l.*, divided in the proportion of 10,425*l.* to the Crown, and 9,224*l.* to the lessees. Another class of light-houses were the three which had been leased to individuals by the Corporation of the Trinity House (leases which he contended that body had no power to grant). These cases were those of the Longships, the Smalls, and the Mumbles light-houses. The Smalls had since, however, been very advantageously placed in the hands of Local Commissioners. But the Longships light-house had realized in

the gross in the year 1831 1832 7,393*l.*, whilst the per centage on collection was only about 1,074*l.* and the expense of maintaining it about 1,100*l.*, and thereby leaving to the leasehold proprietor Mr. Smith) a surplus of 5,036*l.* The receipts of the other light-house were 16,265*l.*, for which the charge for collecting, was 2,359*l.*, and the expense of maintaining them, about 2,471*l.*, so that in this case a surplus sum of upwards of 11,400*l.* went into the hands of the lessees, and on the whole the House would see that out of 23,678*l.* levied, no less a sum went to the lessees than 16,496*l.* He would next refer to the four light-houses granted by patents and sanctioned by Acts of Parliament, to individuals who now have the management of the lights, and receive the light duties for them. He would read to the House the return which had been laid before the Committee. The hon. Member accordingly read the following statement:—

Light-house.	Gross Collection.	Per Centage or Commission.	Rent and Land-tax.	Expenses for Maintenance.	Net Surplus to Proprietors.	Proprietors.
	£.	£.	£.	£.	£.	
Spurn High Light-house.	12,813	1,626	242	1,987	8,958	Benedict John Angel, Esq. and G. L. Thomson, Esq.
Tynemouth Castle, in fee. Skerries, Co. An- glesey (in fee).	3,844	462		689	2,693	Wm. Fowke, Esq.
	14,479	1,604		350	12,525	Sutton Morgan, Esq.
Total.	31,136	3,692	242	3,026	24,176	

It appeared then by this Return, that 31,136*l.* was collected from the shipping of the country to give an income of upwards of 24,000*l.* to four individuals. On the whole, it appeared that the amount received for England alone, was, in round numbers, 162,000*l.*, of which 101,000*l.* was not required to maintain the lights. If he took the whole account of the expenses of the United Kingdom for light-houses, it stood thus in round numbers:—The amount collected, 242,000*l.*, and deducting the costs of maintenance and collection, about 99,000*l.*, a surplus remained of 143,794*l.* It then could not be denied that this was a great waste of

the public resources, and there existed just grounds of complaint. If there were any responsibility in the Ministers, he should say, they ought to be impeached for this wasteful expenditure of the public money. What, however, had been the state of the case with respect to the Wintertonness light-house? When the lease was renewed, it was so in the face of the recommendation of that House, a renewal which he (Mr. Hume) contended, was little short of high treason. The lease was, however, so renewed, and in nine years up to the 1st of December, 1831, the gross collection amounted to 124,505*l.*, of which, on the average, Lord Braybrooke received 1,000*l.* monthly. In spite of the recommendations of two Committees of the House, and in defiance of the opinions of the Law Officers of the Crown, that on their interpretation there was no power in the Crown to grant by any means to an individual the right of levying duties from his fellow-subjects—an opinion which had been since corroborated by numerous lawyers, the lease to Lord Braybrooke, was on the 1st of June, 1828, renewed for twenty-one years. If ever there was a case calling for the impeachment of the Ministry, this was such a case. Since these renewals, 96,843*l.* had been paid to the Crown, or, in other words, to the Commissioners of Woods and Forests, while 78,941*l.* had been distributed amongst three leaseholders. Now, whilst the Legislature was labouring to reduce trifling amounts of expenditure, by reductions of the number of workmen in the dock-yards, how was it possible to justify such a wasteful extravagance? Those who advised this, had not acted faithfully to the King or the country. They had betrayed both. And should the House of Commons hesitate to consent before long to an amendment of the system, he should think that the commercial interests, so long suffering from distress and difficulties—sufferings endured with great patience—would not long submit to the plunder which the system entailed upon them. He thought the House ought at least to consent to an Address to the Crown to cancel these leases, and to put an end to a system so unjustly brought about. The point, however, to which he was anxious particularly to call the attention of the House was, the recommendation of the Committee which had already reported to the House; with many points embraced in that Report, he

unfortunately differed. He thought that the expenses of the light-houses of the country, ought to be placed on the same footing as the Consular charges, and those expenses ought to be defrayed as part of the public burthens, out of the public purse; and he was the more induced to that opinion, because his Majesty's ships, deriving equal advantages from the light-houses, as the commercial traders, were excluded from the charges. The Committee appointed by the House, had obtained, through the intervention of the noble Lord, then at the head of the Foreign Department (Lord Palmerston), the ordinances of France, and the regulations of other countries; and with respect to the information contained in the appendix to the Report, he must say, that the example of France should be followed by levying a similar tonnage duty for the maintenance of the light-houses. By such a course, he believed that in this country all objects in this respect would be accomplished for 40,000*l.*, instead of 250,000*l.*, as was now collected. The expenditure might also be considerably lessened by an alteration in the mode of keeping the accounts, and in the manner of their collection. The House would be surprised to learn that in this country there were no less than 938 places of collection, which might easily be reduced to each port. He would read what the Committee said on this subject. To revert to the recommendations of the Committee, he would remind the House that they first recommended (and in it he concurred) that the light-houses of England, Scotland, and Ireland, should be placed under the direction of a Board resident in London, and should be regulated under one system. Another recommendation of the Committee was, that all the Northern lights should be placed under the superintendence of the Trinity House. Now, in that recommendation, he, for one, did not agree. He thought that another Board might be established, independent of the Trinity House, which would conduct this department of the public service with greater efficacy. The Committee also came to another recommendation, which he had no doubt that the House would adopt, and that was, that the light-duties should be reduced to the lowest sum that was consistent with the due maintenance of those lights. Another recommendation was, that the light-dues should be levied

on one plan throughout the United Kingdom, and the Committee preferred the plan adopted in Ireland, that a fixed sum should be paid to each light which a vessel passed. The Committee hoped that by the plan which they recommended, the expense of management would be much reduced, and that the funds which would be placed at their disposal by such reduction, would enable them to support new lights, when new lights were required. They also recommended that all lights which were in the hands of private individuals, should in future be transferred to those of the Central Board. There could not be any doubt as to the propriety of this recommendation. They also recommended that the profits arising from lights in the hands of private individuals, should be valued and allowed for. The hon. Member read the Resolution of the Committee with respect to the renewal by the Crown of the leases of light-houses now in the hands of private individuals. "The gross amount of light-dues collected for thirty-three lights, with 446 burners, in the year 1820, was 91,039*l.*; the charge for its collection, 10,859*l.*; the expenses of maintaining these lights, repairs, &c. 28,300*l.*, leaving a net surplus of 51,880*l.* applicable to general purposes. In the year 1832, the sum collected for the same thirty-three lights was 64,364*l.*; the commission for collection was 4,996*l.*, and the charge for repairs and maintenance, 27,658*l.*, leaving a net surplus of 31,710*l.* for general purposes, and showing a reduction in the tolls, to the amount of 26,675*l.*, or nearly one-third, and a reduction of more than half the expense of collection. The gross collection of duties for fifty-five lights in 1832, was 83,041*l.*; the charges of collection, 6,670*l.*, and the expense of maintenance, 35,904*l.* leaving a net surplus of 48,667*l.* for general purposes; or, that the toll for fifty-five lights, is 7,998*l.* less in 1832, for fifty-five lights, than in 1820, for thirty-three lights, a reduction creditable to the Trinity Board, and beneficial to the shipping. The sum levied in 1832, more than was requisite to maintain the lights, was 40,467*l.*, subject to the proportional share of the expenses of the office on Tower-hill, and the contingent expenses, amounting to 16,725*l.*, being an increase in that branch of 4,576*l.* more in 1832, than in 1820, The rate per cent for collection of light-dues in England, varied from two and a

half to twenty per cent. In Scotland, ten per cent was allowed to all collectors, except 7*l.* 10*s.* at Leith; and in Ireland, by a Treasury order, the collectors of customs in Great Britain, retain five per cent., and the agent in London has two per cent. for receiving the money from the collectors. In recommending that all light-houses belonging to private individuals, whether by lease or patent from the Crown, should be transferred without delay to the Central Board of Management in London; and that after due inquiry, the profits of each of the lights so belonging to private individuals should be valued and paid for. Of the propriety of this recommendation he thought it impossible for any reasonable man to entertain a doubt. He was also decidedly of opinion that the 32,000*l.* allowed at present for pensions out of the revenue derived from light-house dues should be abolished, or at all events that they should be accounted for under a separate head, and paid out of a separate fund. But when he recollected that the 24,000*l.* a-year hitherto deducted from seamen's wages, were, by a Bill of last Session, taken from the hospital at Greenwich, and made available to the support of aged and decayed sailors in every port in the kingdom, he thought that the 32,000*l.* paid out of the light-house dues for pensions could no longer be required. He had but one other remark to make. He thought, in common with the hon. Member for Hull (Mr. Hutt), that the people of England should be freed from the expense of maintaining the Heligoland light-house. He hoped that he had now said enough to point out to the House the actual situation of the light-houses on the coasts of the United Kingdom; to make it acquainted with the different systems and the different boards under, and by which they were managed; and to convince it that that diversity of system and of boards occasioned a great increase of trouble and expense, both to those who paid and to those who collected the light-dues. If the House thought the recommendations of the Committee worthy of adoption, they would give him leave to bring in a Bill to carry those recommendations into effect, and to facilitate the consolidation of light-houses under one management. The hon. Member concluded by moving for leave to bring in such a Bill.

Lord *Granville Somerset* did not rise to oppose the motion, but he could not agree

to the proposition of the hon. Member for Middlesex, that individuals had no legal right to levy dues for lights. Those light-houses were as much private property as any other species of property; and if they were to be taken out of the hands of the private individuals who now held them, suitable compensation ought to be made to them for the loss which they would sustain. He likewise maintained, that the hon. Member had no right to take 100,000*l.* from the land revenues of the Crown to buy up private lighthouses. Indeed, there would be no saving to the public in taking that amount out of the land revenues of the Crown, as it must be supplied from some other quarter. In point of fact, there would be no saving to the public in taking the expense out of the land revenues. With respect to the Heligoland light-house, he would only say that two-thirds of the expense of that light were not paid by the British public. The noble Lord defended the pensions allowed out of the fund derived from the dues imposed for the maintenance of lighthouses; but he would abstain, upon that occasion, from entering into the whole of the details brought forward by the hon. Member for Middlesex. He had no objection to the introduction of a Bill founded upon the Report of the Committee, to provide for the better management of light-houses, but he confessed he should be sorry to see any central board established entirely independent of the Trinity House.

Mr. *Cutlar Fergusson* was favourable to the establishment of a central board for the management of all the lighthouses in the kingdom. The inhabitants of that part of Scotland with which he was connected, were not at all satisfied with the administration of the Board of Northern Lights. He believed that the gentlemen of whom that Board was composed were men of the highest honour; but, in point of fact, they were entirely ignorant of nautical affairs, and, in consequence, left the whole management of the lights to their engineer, who had often a personal interest in erecting them in places where they were not so much required as in others. The hon. Gentleman proceeded to complain of the want of proper lights in the Solway Frith, which, with the exception of the Red Sea, (and he would scarcely even make that an exception) was acknowledged to be the most dangerous navigation in the world. He had for many years

endeavoured to induce the Board of Northern Lights to establish a proper light in the Frith, but his exertions had hitherto been unsuccessful; and many shipwrecks, accompanied with great loss of life and property, had in consequence occurred almost in sight of the town (Kirkcudbright) which he had the honour to represent. In a maritime country like England, no expense should be spared in the erection of proper lights on every part of the coast. He thought that the whole of the light-house establishment should be a national establishment, and that no dues should be imposed upon vessels for the particular lights they might be compelled to pass. The establishment should be national, the expense national. If the title of private individuals to particular lights could be proved to be good, they ought undoubtedly to receive compensation; but if their titles were not good, they should no longer be allowed to continue so great an abuse.

Colonel *Parry* concurred in the opinions expressed by the right hon. Gentleman, the Member for Kirkcudbright. The question ought not to be one of pounds, shillings, and pence, but one of which the object was national. He complained that there was much loss of property on the coast of North Wales. He could mention a circumstance which strongly marked the necessity of some improvement in the system regarding lighthouses. Within the last week a vessel of the value of 12,000*l.* including the cargo, belonging to Sir John Tobin, went to the bottom, and was entirely lost, on the coast of North Wales, in consequence of the want of proper lights on that part of the coast. He trusted, however, that whatever alterations might be made by the proposed measure, the poor and industrious mariner, who had led a life of fatigue in the service, might not be injured.

Mr. *Aaron Chapman* would not anticipate any objections to the Bill intended to be brought in by the hon. Member for Middlesex. For his part, he could have no feelings of regret at anything said by the hon. Member for Middlesex about the Trinity House, when he saw, that it was recommended that all the light-houses of England, Scotland and Ireland, should be put under the management of that Board. It was not correct to state, that the amount of expenses of collecting was so large as 20 per cent. If the hon. Member looked to the scale of collection, he would find

that the poor collectors at the seaports got only 7*s.* 2*d.* per cent. As for the Bill moved for, he would give no opinion on it. But he begged to premise, that, whatever the House did, due regard should be had not to diminish the pension fund. The amount of that fund at the disposal of the Trinity House was considerably less than the calculation of the hon. Member. The right to that fund was laid down as clear as noonday by the Lord Chancellor, by Sir Fletcher Norton, and several other eminent lawyers, and not one jot of those pensions could be withdrawn from the persons to whom they were given. He did not envy the feelings of those Members who wished to stop the pensions allowed to old sailors, their widows, and children. The money was raised by the prerogative of the Crown, and by the willing consent of those who paid it. No complaint, no memorial, had been received from any part of the country, calling for a reduction of the rates that went to those pensioners. Out of the number of pensioners now receiving allowances, when one dropped off, there were 3,000 ready to apply for the vacancy.

Mr. *Ewart* was sorry to hear the noble Lord at the head of the Woods and Forests, resort to such a justification of the charges imposed upon the public by the owners of private light-houses, as that of their having made a considerable reduction in the charges originally exacted. He did not conceive that the gratitude of the public should be measured by the reduction of a charge which was originally unwarranted, and still remained extravagant. With respect to the measure now proposed to be introduced, he thought that the interests not only of the merchant but of the consumer, would be greatly benefited by it.

Mr. *Shaw* said, that in that stage of the proceedings he should trouble the House but very shortly. He must, however, say a word on the part of the hon. Gentleman's (Mr. Hume's) statement, which related to Ireland, and that was of complaint against the hon. Gentleman; for, as had just been observed by the hon. Member (Mr. Chapman) who had addressed the House, that the hon. Member (Mr. Hume) had summed up his censure of the Trinity Board by recommending the entire management of the light-houses of the United Kingdom to be centered in that Board—so he had concluded his praise of

the Ballast Board in Dublin by recommending its abolition. The hon. Member himself applauded the management, the economy, the whole system pursued in Ireland—yet he desired to merge the Board who conducted it in one of which he entirely disapproved. The hon. Member omitted to state a further difference between the two Boards; that the Members of the Ballast Board were acting gratuitously, while those of the Trinity were paid. He would not oppose the introduction of the Bill, but he reserved to himself the fullest liberty to object to the consolidation of the Irish with the English management on these three grounds—the excellent conduct of the Ballast Board, —the declared opinion of the shipping and trading interests of Ireland in favour of the present system so far as regarded Ireland—and the principle, which he felt strongly, that public boards or establishments should not be unnecessarily removed from Ireland to this country.

Mr. Wyse concurred in the praises which had been bestowed upon the hon. Member for Middlesex, for the very distinct manner in which he had brought the motion before the House; and if any confirmation were necessary of the merit which was thus attached to that hon. Member, he (Mr. Wyse) should appeal for that confirmation to the speech of the noble Lord on the other side of the House (Lord G. Somerset), for a weaker defence against the charges which had been brought forward by the hon. Member for Middlesex, he (Mr. Wyse) had never yet heard, than that which had been made by that noble Lord. They had heard that night, what they had not of late been in the habit of hearing in that House—they had heard a well-deserved eulogium passed upon Irish economy, which, at the same time that it was highly creditable to that country, reflected the greatest disgrace, not so much upon the English nation, as upon the English administration. He would ask the noble Lord, how it came to pass, that the administration of one department in this country was not conducted with an equal degree of credit to that of the same department in Ireland? How it came to pass, that the same skill and integrity which he admitted to exist in the administration of that department in Ireland, was not to be met with in England? Also, what there was so peculiar in the administration of this department in Ire-

land which might not be transferred to England? In every particular in which an administration ought to be good, they found in England it failed; it failed, inasmuch as there was a large expenditure in the collection—it failed, inasmuch as the mode in which the business was done was laborious, complicated, and expensive—it failed, inasmuch as there was a large accumulation of money, which was not applied to the specific object for which it was intended—and it failed, inasmuch as the whole manner in which it was carried on operated injuriously upon the interests of trade. Not one word had been said on the other side, by way of defence, against such charges as these. How came it that the noble Lord did not explain why the several leases which had been alluded to were granted by the Crown, upon the advice of the Privy Council, in defiance of the repeated recommendations of that House. An hon. Member on the other side of the House had talked about the prerogative of the Crown. What! was the prerogative of the Crown to be exercised in taxing the people? What! was the prerogative of the Crown to be exercised, not for the benefit of the people at large, but for the exclusive benefit of a certain noble Lord, who, by means of political or other influence, had obtained beneficial leases with the consent and approbation of certain influential persons? If that was the prerogative of the Crown, he would say, that such a prerogative ought to be diminished; and whatever measure might be introduced into that House for that purpose, he trusted it would always find, in the reformed part of it, a steady and determined support. Several means for remedying the evils existing in that department had been pointed out by the hon. Member for Middlesex, particularly with regard to the diminution of the expense attendant upon the collection; and, above all, the nationalising of the business, in bringing it under one uniform system. He so much approved of centralisation in the departments of Government; that he should like to see it more extensively adopted than it would be, if merely confined to the one now under the consideration of the House; but, as an Irish representative, he could not consent to see any centralisation take place, by which these departments in England and Ireland would be combined, until some better evidence had been given of

the good conduct of the English Boards; for in that instance Ireland happened to be the reformed portion, and England that which was to be reformed. When they had sufficient experience that that reform had taken place in England, he should have no objection to a general centralisation, of which Ireland was to form a party, but until then he should hesitate to see an establishment which had been recognised as excellent, perhaps tainted and corrupted, by being put under the administration of a Board here. There has been a charge made by an hon. Member on the other side, that his hon. Friend, the Member for Middlesex, proposed, by his reform, to destroy the funds which had been applied to the support of orphans, and aged and afflicted persons belonging to the British service; but if he had paid sufficient attention to the words of his hon. Friend, it would be found, that so far from diminishing, he wished to increase, the funds applicable for those purposes; he proposed merely that that fund should be more extensively applicable than it was at present.

Mr. Secretary *Goulburn* denied, that there was a shadow of foundation for the charge of any peculation, or the appropriation of the light-houses' funds to favour persons professing certain political opinions. The right hon. Gentleman briefly adverted to the difficulties experienced by the Government in making the arrangements with the lessees of the light-houses; but he deferred entering more fully into the subject until the intended Bill should be introduced.

Mr. *Murray* approved of the proposed measure, and earnestly trusted to see the commerce of the country relieved by the Bill of the hon. Member for Middlesex, from many of its present incumbrances. He thought the labour and care of the hon. Member deserved the approbation of the House and the country.

Mr. *Fitzsimon* could not give a silent vote on a question of such interest to his constituents, in the county Dublin in particular, as well as to his country in general. He fully concurred in the well-merited eulogium passed by the hon. Member who had preceded him, on the vast labour and watchful care which his hon. Friend, the Member for Middlesex, bestowed upon this, as upon all other subjects connected with the welfare of these kingdoms—agreeing with that hon.

Member generally in his political views, he the more regretted being on this occasion obliged to dissent from part of the proposed Bill—he meant the merging of the Ballast Office of Ireland in the Trinity-house of London. Already had Dublin to complain, that almost all her public boards and institutions had been taken from her. It was now proposed to take from her a board, that even in the speech of the hon. Mover, was admitted to have worked well—to have been, as far as regarded the management of the lights, almost beyond fault and to unite it, or rather merge it, in a London corporation, which the report proved had acted most improperly. He was a declared enemy to another union, which it was not now necessary to canvass, but here was proposed one of the most extraordinary legislative unions he had heard of—and which certainly was not likely to lessen his hostility to the other one—while he thought it would tend to make many of his countrymen converts to his opinions on that subject. Here it was proposed to unite an admittedly well-conducted Irish Board, against which no charge was made, with a most faulty London Board, against which great and expensive mismanagement was proved—on the part of his country he must protest against such an injustice being done. Let his hon. Friend propose to abolish all the boards, free the shipping from the tolls and dues now paid by them, and support the lights economically and efficiently out of the general revenues of the country, in the same way as the consuls abroad are paid—both one and the other service being for the protection of commerce, and commerce being for the general benefit of all. Let his hon. Friend propose this, and he should have all the support in his power to give. But to the proposal now made, as far as related to Ireland, he must object; in doing so he looked but to the good of his country. He believed most of the gentlemen connected with the Ballast-office of Dublin were politically opposed to him; political difference, however, should never prevent him from asserting the rights of every portion of his countrymen. On the hustings he might have his political opponents, but once leaving the hustings he felt he was the servant of all, and to use his best exertions to promote the good of every portion of his constituents, while he sat in that House, should be his proudest boast.

The *Lord Advocate* would have no objection to see the whole light-house system of the United Kingdom placed under the Board of Admiralty, but he did object to having it under the control of the Trinity Board. It should be recollected how the Trinity Board was constituted. It was formed by about twenty-two masters of ships, and from it the officers of the King's service were altogether excluded. In short, it was a self-constituted body, and he therefore, on the part of the people of Scotland, must say that it would be most imprudent to place such enormous sums of money in the power of any merely self-elected body, who would be likely to apply three-fourths of them in the way of pensions. He did not think that the lights already under the superintendence of the Board were so well attended to as to justify such a measure, but although he had many other objections to it he would not at that hour detain the House by entering into them.

Mr. *Pease* said, that while he admitted the high character and honour of the Trinity Board, he considered some alteration was necessary, its constitution being of too restricted a character. He hoped that in any settlement of this question the expenses which had been incurred by the builders of private light-houses would not be forgotten.

Mr. *Ingham* expressed his decided opinion that the great mass of people in the north of England, who were interested in the question, were perfectly satisfied with the management of the Trinity Board. The whole amount received for lights was £83,000*L.*, of this sum only £23,000*L.* was expended in pensions, which afforded support to no less than 8,000 people.

Leave given to bring in the Bill.

HOUSE OF LORDS,
Thursday, March 26, 1835.

MINUTES.] Petitions presented. By the Marquess of BUTE, and Earls ROSSLYN and ROSEBURY, from several Places, — for further Accommodation in Scotch Churches.

HOUSE OF COMMONS,
Thursday, March 26, 1835.

MINUTES.] Bill. Read a second time. On the Motion of Mr. PRAED, British Territories (India).

CANTERBURY ELECTION.] Mr. *Stratford Dugdale* presented a Report from the Committee appointed to try the merits

of the late Canterbury Election, to the effect — “That Frederick Villiers, Esq., and the Electors of Canterbury be at liberty to question the validity of the return for the City of Canterbury, within the next fourteen days, if they think fit.”

Mr. *Charles Buller* wished, briefly, to direct the attention of the House to the Report. The circumstances under which it had been agreed to were these:—In the opening of the proceeding before the Committee, Mr. Harrison, as counsel for the petitioner, proposed not to go into his whole case, but begged the Committee first to examine one point, viz.: Whether the returning officer had not partially and improperly exercised his discretion by rejecting certain votes that were upon the register, and ought to have been received, thereby giving Mr. Villiers a colourable majority. The consequence of establishing this point, as the learned Counsel stated, would be, that the petitioner would be placed in the situation of the sitting Member, and the sitting Member should be allowed to petition if he thought fit. The Committee acquiesced in this course, and after entering upon the inquiry specified, decided that Mr. Lushington had a legal majority of votes; that he ought to be returned, and that Mr. Villiers ought, if he thought it expedient, to be permitted to petition against that return. This was an exercise of discretion on the part of the Committee that in his (Mr. C. Buller's) opinion, ought not to be supported but on very substantial grounds. The House would at once perceive the hardship upon Mr. Villiers; he had brought a number of witnesses to London, expecting that the case would be proceeded with in the usual way, and now found that he must maintain them at a heavy expense during the fourteen days allowed him to petition, or relinquish his right altogether.

Mr. *Goulburn* interposed: He was not aware whether the hon. Member contemplated any motion, but certainly the Committee sworn to try the merits of the petition, had a perfect right to adopt that decision if they thought it justified by the facts of the case.

Mr. *Charles Buller* said, that there was a question before the House, and that he should conclude with an Amendment.

Mr. *Stratford Dugdale* remarked, that Counsel on both sides had been perfectly aware of the course contemplated and taken by the Committee.

Mr. *Charles Buller* said, that the Counsel for the petitioner were not aware of it until it was adopted, and then objected to it. The effect of the decision was of some interest to the House; serving on an election Committee was no very agreeable task, and by the resolution this Committee had shifted the burden from its own shoulders to that of another Committee to be appointed upon the petition of Mr. Villiers. He was aware that there were precedents apparently justifying the proceeding, and had they been in point he, perhaps, should not have objected to this result.

Mr. *Williams Wynn* spoke to order: The House had no power in this mode to re-consider the decision of an Election Committee.—He would not enter into the question whether the Report was right or wrong, because the House had no authority of the kind.

The *Speaker* agreed with the right hon. Gentleman (Mr. Wynn), that the House had no power to re-consider the determination of the Committee, but there was a Motion before the House, he could not say whether the hon. Member really meant to bring any question before the House.

Mr. *Charles Buller*, was speaking strictly to the question. An instance of the kind did not occur once in twenty years, so that the precedents were few. One of these, upon which the Committee had relied, was the Middlesex case: there Sir Francis Burdett had a majority over Mr. Mainwaring on the fifteen days' poll; but the returning officer thought proper to keep the poll open for a sixteenth day, and at the close of the sixteenth day Mr. Mainwaring had the majority. The Committee had decided, that as it was clearly illegal in the returning officer to keep the poll open for sixteen days, Sir Francis Burdett ought to have been returned; and they, therefore, made Mr. Mainwaring the petitioner. In the Carnarvon case, the returning officer had admitted votes, contrary to the express directions of an Act of Parliament: the Committee struck them off, and, unseating the sitting Member, left him to petition, if he thought fit. The determination of the present Committee was clearly incomplete, and they had no right to come before the House with such a Resolution, and to pretend they had discharged the duty imposed upon them, without entering upon a scrutiny of

the votes of either party. He was aware that the course he was pursuing was not very agreeable to hon. Members on the other side; but, nevertheless, he should call upon the House to consider the manner in which the sitting Member had been treated, by which not only he was put to double expense, but the House to double trouble. He was not prepared to say, that the decision ought to be reversed, because there were not materials yet upon the Table to enable any man to form a correct judgment: but it was clearly unprecedented, and he should move to-morrow that the minutes of the Committee be produced.

Mr. *Stratford Dugdale* said, that he was little acquainted with the forms of the House, but he apprehended that no Member had a right to call in question the decision of a Committee appointed to inquire into and determine the merits of an election petition. However amusing might be the speeches of hon. and learned Gentlemen, such a course as that now taken would be extremely inconvenient. He would not enter into any of the particulars of this case, but merely say that the decision of the Committee had been unanimous. There had, in fact, been no difference of opinion on the subject.

Mr. *Warburton* contended that although the report had been unanimously adopted, the House had the power of calling for the minutes of the Committee, and if it appeared that the determination was pregnant with injustice to call for the opinion of this House. He trusted, therefore, that his hon. Friend would persevere in his Motion for the production of the minutes, that the House might be in a condition to pronounce an opinion.

Sir *Edward Knatchbull* remarked that, after what had been said by the Chair, he would not question the regularity of this discussion, although he might be allowed to say that the course was not usual and that it afforded an opportunity of indirectly casting, not imputation, but disrespect, on the decision of a Committee. Whether that was or was not intended he did not know, but it seemed to him that nothing improper had been done. He had risen for the purpose of doing that which Mr. Villiers, had he now been a Member of that House, would have done as an act of duty, and which he had attended in his place yesterday to do had an opportunity been afforded. The hon.

Gentleman in the course of a recent discussion, had said that the brother of the right hon. Baronet, the Chancellor of the Exchequer, a clergyman in Canterbury, had been actively engaged in tampering with a voter. That reverend Gentleman being entirely innocent, had naturally felt pained that his name had been dragged forward, and at that Gentleman's request he rose to give the statement a direct contradiction. He had also communicated with Mr. Villiers on the subject, and had that gentleman remained long enough a Member, he would himself have admitted that he was mistaken, and that he had been misinformed. He had no hesitation in saying that Mr. Villiers had spoken entirely under a misconception, and that the rev. gentleman was in no way concerned in the transaction. In making this statement he only did justice to the individual.

Mr. *Hume* observed that the Committee should have tried, according to the Act of Parliament, which of the two parties was entitled to the seat—the sitting Member or the petitioner; but they had not done so, but had merely unseated the sitting Member.

Mr. *Williams Wynn* was anxious to impress on the House the great inconvenience of discussions of this nature. The question, however, was, did the evidence justify the decision of the Committee, and was it competent for the Committee to act on that evidence, leaving to the House to take any ulterior measure it thought proper? He thought the House could not interfere further, as the Question was one on which it was not the province of the House to decide. The only course the hon. Member could properly pursue was to ask for leave to bring in a Bill to restrict the powers of Committees. Such a course had been pursued before. He thought it injurious to interfere wantonly with the powers of Committees.

Mr. *Freshfield* observed, that in some cases it was not possible for election Committees to take into consideration all the merits of the subject submitted to them.

Mr. *George F. Young* thought that the House had, in all cases, the right either to receive or reject the decision of an election Committee. At present he was unable to form an opinion on this subject, and therefore wished to see the evidence before he was called upon to do so. He

was of opinion that all discussion as to the merits of the petition was premature, and must be so until the requisite information was laid before the House.

Mr. *Scarlett* observed, that the House was precluded, by the Grenville Act, from taking up the subject in the way proposed by the hon. and learned Member for Liskeard. Unless there was a special report, he doubted whether the House could proceed further with the case. The Committee had to determine whether the sitting Member or the petitioner was duly elected, and they determined in favour of the petitioner; and there the matter must end unless the late sitting Member chose to petition the House.

The Resolution was agreed to.

LEICESTER (BOROUGH) ELECTION.] Mr. *Gisborne* wished to call the attention of the House to a Petition, which he presented last night, from Mr. Joseph Parkes, the agent for the Petitioners, complaining of the Return in the Borough of Leicester Election. The Petitioner wished to be allowed to alter the name of one of the persons who had been given in as sureties. It appeared that when a gentleman who had been named in the first instance, declined to become surety, the agent was authorized to give in the name of Mr. Thomas Stokes, of Leicester, for that purpose, but that, by some clerical error, the name of Mr. Samuel Stokes was given in. He was not aware of this until yesterday morning, when he received a letter from Mr. Stone, the solicitor for the petitioner, against the sitting Members at Leicester, informing him of the error, and that it was then too late to give the usual notice of this change. The Act enabled the House to alter the name of the proposed securities once, but it stated that the time shall not be enlarged more than once, or for a longer period than thirty days. The name of the securities had been altered once, and the present was not an application for that purpose, but merely that leave might be given to rectify that which was little more than a clerical error. If the Motion was assented to, no injury would be inflicted on any party, nor was there the slightest ground for supposing that any injustice would be done. The House had consented to a much more important alteration the other night, in reference to the Ennis petition, by substituting the number six for five in the

address of one of the securities, and he did not see how they could refuse to listen to the prayer of the petition in the present case. The hon. Member concluded with moving that Mr. Parkes be called in to verify the allegations of the petition.

Mr. *Williams Wynn* said, that the Motion of the hon. Member could not be assented to without violating the letter of the Act. It was directly contrary to that Act to let the name be altered a second time. With respect to the Ennis case, he would only observe, that it was not analogous to the present case, as then the only question was, whether parties should be allowed to alter the number of a house, which number they were not under the necessity of inserting.

Mr. *Warburton* said, that hon. Gentlemen on the other side gave two different interpretations to the same Act. The interpretation given in the first place was, that name meant person. Now, it was not in the present case wished to substitute one person for another, but one name for another name erroneously given to the same person. The House having decided that person was the proper interpretation of the word name, he contended that they had the power to make the required alteration.

Mr. *Law* was of opinion, that the prayer of the petition contemplated, not only a breach of the Statute, but of the regulations of the House. The Statute said, that the name should not be changed more than once, and the name had been already changed. Then there was not sufficient time, for the 30th of the present month was the day by which the whole matter must be decided, and the House required seven days' notice even from the presentation of the petition, in order that the other party might have the opportunity of examining into the sufficiency of the sureties.

Sir *Matthew White Ridley* contended that the case required only a common sense view to dispose of it properly. The first object of the House in such matters was, to do justice between the parties—in the first place, to the petitioners; and, secondly, to the sitting Member. He thought the Act would be in no respect violated by allowing the error, which was only a clerical error, to be corrected. The Statute, he admitted, would not allow the surety to be changed more than once, but it would allow of the Christian

name being altered, if the identity of the person was known to be the same.

Mr. *Grote* said, that while the Act precluded the substitution of one person for another more than once, it did not preclude the correction of an error in the name ten times over, if the House thought fit. It did not appear to him that the Act objected to the change of the residence more than once.

Mr. Secretary *Goulburn* said, the error was not to be considered merely a clerical error; because, if they granted the prayer of the petition, they would deprive the other party of the power intended to be given to him of inquiring into the sufficiency of the sureties. On the 20th of this month, notice was served on the sitting Members, that a person of the name of Samuel Stokes, of the parish of St. Mary, Leicester, was named a surety. The parties went to inquire for him; it was a large parish, and they could not find any such person. Then, on the 25th, came another notice, which told the parties that they had been looking after the wrong man, and that they should inquire after Thomas Stokes in the same parish. The consequence was, that the parties could not have the time to which they were entitled, viz. seven days, the 30th being the day on which the recognition would be perfected.

The House divided: Ayes 147; Noes 101—Majority 46.

Mr. Joseph Parkes was then called to the Bar; and having been sworn, was examined. He said that he was instructed, on the 20th of March, to substitute the name of Thomas Stokes for Matthew Babington. On the 20th of March he tendered the affidavit of Thomas Stokes to the examiners, and delivered the name of Samuel Stokes to Mr. Rose. The mistake made of giving the name Samuel instead of Thomas, was an error on his part, and it was committed without the least intention of creating delay or difficulty. In reply to the Attorney-General, he said he had a knowledge of Leicester, and was acquainted with only two persons there of the name of Stokes, one Thomas and the other Benjamin. He had had no communication by letter with Thomas Stokes; the only communication with him was the receipt of his affidavit. He first applied to change the name of Babington to Stokes on the 20th of March. He communicated the error yesterday morn-

ing to the opposite party. He was not aware whether they had heard it before. He had lodged the proper notice, but still he thought it right to inform the House of the error. There was yet time to send down to Leicester. He had served the formal notice of the mistake and substitution yesterday about one o'clock, on the opposite party. The answer from them acknowledging the receipt of the notice, was dated half-past three o'clock.

The witness having withdrawn,

Mr. Gisborne moved that the mistake in the name of one of the sureties being caused by a clerical error, the name of Thomas be substituted for Samuel.

The *Chancellor of the Exchequer* said, the question lay within the narrowest possible compass. If the House passed a law, it was the duty of the House, as it was the duty of the other subjects of his Majesty, to set the example of conforming to the laws. The enactment provided that seven clear days should intervene between the day on which the names of the sureties should be given in, and entered in a book, and the day on which the sufficiency of the sureties was to be examined into. The question then was, whether the name of Samuel having been given in, the House had afterwards power to sanction the substitution of that of Thomas—would that be a compliance with the Act? A name had been given in seven days before completing the surety—would they, by substituting another name, comply with the rule?

Mr. *Harvey* did not agree in the terms of the distinction taken by the right hon. Baronet (the Chancellor of the Exchequer). The substitution was merely the name of Thomas for Samuel; it was the same surety, but an error merely having been committed, they could allow the parties to correct the error.

The *Attorney-General* said, if the House had the power of granting the Motion for the alteration of the name in the case of a mistake, it ought to grant it. He fully admitted that without any reserve; but it was another matter when the mistake might make it too late for the sitting Member to write into the country on the subject of the inquiry into the sureties' sufficiency. He thought the time had gone by. He was reluctant to address the House on the subject, but as it was peculiarly within his province as a lawyer, he could not avoid it. He would appeal

to Mr. Speaker, and, confident of his impartiality, put the question in his hands; if he thought it a case to extend the indulgence of the House to, it ought to be granted.

The *Speaker* said, if it were the pleasure of the House, he would give it his opinion. ["*Divide*," "*Chair*"]. He would give his opinion; but it would only be that of an individual in that House. The question being the construction of an Act of Parliament, it was undoubtedly for the House to decide it. It was clear, from the Act, that seven days' notice were required of any change being made; but the witness at the Bar stated, that the House having enlarged the time, he did not consider it necessary for him to give seven days' notice. The question then, was, how far it might be consistent with the usage of the House, to dispense with such notice? He was not able, from his own experience, to state any case in which it had done so; and, having applied to those who were much more conversant with the subject, he could not find that they recollected any instance in which such a course had been pursued.

Lord *Sandon*, amidst cries of "*Question*" and "*Divide*," said, if they adopted the principle contended for by the Motion, it was indifferent for how long it was. He would appeal to the other side, whether they were acting honestly, in dealing with this question in the manner they were doing.

Mr. *Robinson* never saw such proceedings on a question where there ought to be the absence of all party feeling, and it would be recollected that the other side of the House (the Opposition) cheered when the witness was under examination at the Bar. He thought the House had not power to dispense with the rule, although it was a mere *laches* committed—the Act was clear, and they were bound by it.

Mr. *Rolfe* felt unpleasantly situated when he thought he was bound to vote against the party he usually voted with, and it was a question how far, when acting with a political party as a body, he could be permitted to vote against them on questions like the present. He agreed with the *Attorney-General*, that the question was, whether the House had authority to interfere under the Act. It was impossible to enlarge the time beyond Monday next; the rule must apply, and there would be no time if the place were Cork or any other distant town.

Mr. *Richards* had voted with the majority under the impression that it was for the correction of a mere clerical error, but he was now bound to say he had found out he had, by so doing, acted erroneously.

Lord *John Russell* differed from his hon. and learned Friend, the Attorney-General, on the construction of the Act, as to the alteration of the name, and he thought the words of the Act did not preclude them from making such an alteration as was then proposed. In this case, the name of the surety had been given; they did not propose to change it, but merely to correct a clerical error committed by altering the name of the same person.

Lord *Francis Egerton* amidst cries of "Question," said, that though, as had been observed, they did not propose to substitute another person, but another name, still the effect would be the same to the parties interested.

Mr. *Warburton* said, in case there had been no name of a surety delivered in till that day, he should have agreed with those who opposed the Motion, because seven days could not then elapse. But the name of the surety had been given as far back as the 20th or 21st instant.

Mr. *Herries* said, the hon. Member for Bridport (Mr. *Warburton*) had stated the case truly. The name of Samuel Stokes had been given in from the 20th inst. and continued till yesterday. The sitting Member only knew that as the real name.

The House divided: Ayes 129; Noes 113—Majority 16.

CORK COUNTY ELECTION PETITION.]

Mr. *Lefroy* rose to bring a similar matter under the notice of the House, and to draw their attention to the consideration of the petition which he had presented last night, for leave to rectify a mistake in the name of a proposed surety in the case of the Cork County Election. The object of the Petition was to obtain an enlargement of the time for entering into the recognizances, with the view of correcting a clerical error in the Christian name of one of the sureties; the words "William Mannix" having been inserted instead of "Henry Mannix."

On the Motion of the right hon. Member, Mr. *John Jackson*, one of the agents for the petition, was called in and examined in proof of the alleged facts; after which the right hon. Gentleman

moved that the time be enlarged ten days for giving in a correct name.

Mr. *Feargus O'Connor* opposed the Motion on the same ground as he had voted against the last.

Mr. *Williams Wynn* contended that it was perfectly competent to the House to grant the request contained in the petition. He was certainly still of opinion, that in order to guard against any possibility of fraudulent practices, the House was bound to hold parties to the strict letter of the law, and not give facilities to alterations of this description, unless in cases where the substitution of one name for another was purely accidental, and that the correction of the mistake could not be construed into any violation of the law. In the last case before the House (the Leicester petition) they had determined that one name might be changed for another, though it was impossible to grant an extension of time equal to the number of days which was allowed upon the first application, in order to enable the sitting Member to inquire into the legal securities. In the present instance it was proposed to change the name of William for that of Henry, and this alteration could be made in unison with the provisions of the Act of Parliament, so as to allow the usual number of days which were granted to afford the sitting Member an opportunity of inquiring whether the securities offered were or were not sufficient. He could not suppose, therefore, that hon. Members, under the circumstances of the case, and after the decision to which they had come in the former instance, could without exposing themselves to the charge of acting entirely from party motives, and thus holding themselves up to the public in a light which he would not attempt to describe, refuse the request contained in the petition which had been presented by the hon. Member for the University of Dublin.

Mr. *Harvey* observed, that next to avoiding any error, the best course was to devise the safest and most effectual means to correct it; and when upon that principle he had voted for the prayer of the former petition, he felt himself compelled, by the dictates of justice, not to reverse in the present the vote which he had given in the previous case. He would however, for an instant recal the attention of the House to the circumstances attending the former petition. He would remind hon. Gentlemen that the request of that pe-

tion was granted not as the consequence of a decision of that House, but through the concession of the sitting Member. It must be in the recollection of several hon. Members present that, upon that occasion, the party against whom the petition was presented said, with a generous and truly honourable feeling, whatever the strict letter of the law might be, and however he might if so disposed, find a shelter under it, he was not desirous to make his defence upon a strict construction of the Act of Parliament, but would at once give his consent to a compliance with the object of the petition. The object of the Motion, then, which they had that night discussed, with reference to the Leicester election, was to induce the sitting Member and the House to follow out the concession which in the first instance he had so manfully and generously made. With reference to the petition now under consideration, however, the hon. Gentleman against whose return it was presented, for reasons best known to himself, and under the guidance of his judgment, which he was, of course, in such a case, at perfect liberty to exercise, did not wish to accede to the alteration of the names; but he called upon the House to sanction the opinion which had been pronounced by the right hon. Gentleman (the Member for Montgomeryshire), that they should act in accordance with the strict letter of the law, and not suffer precedents to be established which might open a door to fraud and injustice. The hon. Member for the county, it was to be supposed, from the course which he had thought fit to take, cautioned the House in the same manner as the right hon. Gentleman opposite (Mr. Williams Wynn), had formerly done, against wandering into any equitable construction of the law, and advised them to take it as it was embodied in the statute, without suffering themselves to be biased by party feelings or predilections. For himself, he would take the course which he considered the most equitable; he would, if a division took place, give the hon. Gentleman (Mr. Lefroy) the benefit of his vote; but he did trust that the right hon. Gentleman opposite (Mr. Williams Wynn) would spare himself from the imputation of inconsistency, and that he would attach to the lecture which he had read to the House, and which no man had a right to deliver more authoritatively than the right hon. Gentleman, that weight which

must necessarily arise from a coincidence between his advice and established precedents.

Lord Sandon thought that the hon. Member who had just sat down was not exactly the sort of Gentleman who was entitled to read the House a lecture upon equity and consistency. The reason why he (Lord Sandon) had objected to an equitable view of the former case was, that the House had only had the option of inflicting a hardship upon one side or the other, and it had therefore given its decision in favour of the party that had done nothing for which he ought to suffer; but the present case was exactly the reverse, and the House was at perfect liberty to follow the dictates of equity, and in so doing he should act with perfect consistency with his conduct on the previous division. He could only observe that, according to the doctrines of many hon. Members opposite, when equity was on the Ministerial side of the House then equity meant one thing, and when it was in favour of the Opposition Benches then did it mean another. Acting on the principle of equity, and with a view to do justice to both parties, he should feel no difficulty in acceding to the Motion of his right hon. and learned Friend. If hon. Gentlemen on the other side of the House had been determined to infringe an Act of Parliament for the sake of equity they ought to pursue the principles of equity now that no law was to be broken by so doing.

The *Attorney General* was desirous not to cast the slightest imputations upon hon. Members at either side of the House, with respect to the course which they had taken with reference to those petitions. He could not help, however, expressing it as his opinion, that he did not consider there was the slightest inconsistency in opposing the prayer of the last, and granting that of the present petition. He had before stated that the indulgence which was sought ought to be granted, if the House had the power of conceding the request. There was no doubt that in this instance the House had the power of allowing that alteration in the names of the securities to be made when the substitution could be made without violating the law, which proposed that there should be a certain time for the purpose of enabling the sitting Member to examine the competency of those securities,

Mr. Kennedy said, that in the former case, the Speaker had informed the House that he had found no precedent for making extension of time a second time, after a period of seven days had, upon the first application to Parliament, been granted for altering the securities.

Mr. Shaw said, that the former petition had prayed for the substitution of the name of Thomas for Samuel. And the request contained in the present petition was, that the name of William should be changed for that of Henry. The only difference he could perceive between them, therefore, was, that one was presented by an hon. Member sitting on the other side of the House, and that the present petition had been brought under their notice by his hon. colleague. He perceived, that the hon. and learned Member expressed his approval of the correctness of the opinion which he had ventured to pronounce; but he could not believe, that the hon. Members opposite would—unless they acted on the principle of the hon. Member for Middlesex, who had asserted, that he would state black was white to support the party on his side of the House—reject the prayer of the petition.

Mr. O'Connell said, that the hon. Gentleman (Mr. Shaw) had remarked, that these petitions were identical; and yet he voted against the one and seemed disposed to vote in favour of the other. The right hon. Gentleman, after such an admission, had certainly displayed considerable moral courage in taunting the hon. Member for Middlesex with an avowal that he would vote black to be white against Ministers. The hon. Member (Mr. Shaw) would not truly vote black to be white; but he showed a perfect willingness to vote orange one way, and green the other. He acted judicially, too, in the decision to which they had, in the former instance, come; and, as a learned Judge, he called upon those who sat at his (Mr. O'Connell's) side of the House, to do justice in the cases of both petitions, though he appeared to forget, that in these instances he was himself open to the charge of voting justice only to one party. He could not avoid congratulating the learned Judge, and those to whom he administered justice, on his admirable consistency. The noble Lord, the Member for Liverpool, too, charged those on his side of the House with inconsistency, in voting in one case differently from the manner in

which they determined to decide in the other. Now, the hon. Member for the county of Cork had voted against the last petition, and he expressed himself ready to vote against this; and the hon. Member for Southwark had voted for the last petition, and he intended voting for the present petition, if a division were to take place. The noble Lord, therefore, must allow, that it would be more easy to find inconsistency in the conduct of some other hon. Members, than to urge such a charge successfully against those on his (Mr. O'Connell's) side of the House, who had taken part in the discussion. The noble Lord himself could not be at any difficulty to discover an individual who intended to vote differently in the two cases. He (Mr. O'Connell), however, was perfectly free, for he had not voted at all upon the last petition; and he would certainly vote in favour of the present, if he considered the error which was sought to be rectified a clerical one. When it was admitted, that Henry and William Mannix were brothers, and that Henry was meant when the name William was written, he could not help calling to his recollection an anecdote which he had once heard of an Irish witness, who, upon being called to prove an *alibi*, said, that he was prepared to prove, that potatoes were wheat. If the substitution of one name for another in this instance were a slip of the pen, and not a mistake of the person, he would not hesitate to accede to its prayer; but under the circumstances of the case, he felt bound to vote against the Motion.

Lord Francis Egerton said that, if this mistake were not considered a clerical error, it could only be construed into an intentional fraud, and he did not believe that any one would attach such an interpretation to the proposed intention in the present case. Indeed if there were a doubt upon the mind of any hon. Member as to this point, he thought it ought to be immediately removed, when he reflected that the residence of Henry Mannix was given with the name of William inserted by mistake as one of the securities.

Mr. Ronayne said, that the very fact of the residence having been mentioned in the first instance, confirmed him in the opinion that William was not inadvertently substituted for Henry; because, as it was proved that these two individuals were brothers, it was extremely likely that William, being the younger, resided at

his brother's house, and that one address, therefore, answered for either.

Mr. *Freshfield* said that, to show there was no intention of fraud, Henry Mannix was prepared to show that he was the person residing at Richmond Villa, the address appended to William Mannix's name, as given in the securities.

Mr. *O'Loghlen* observed, that it appeared that a gentleman from Cork, named Cummins, had suggested that the address of Glanmere should be appended to the name of William Mannix when the securities were first entered; and it did not appear that this gentleman was forthcoming, although he had been called as a witness by the hon. Member for the University of Dublin.

The House divided: Ayes 130; Noes 103—Majority 27.

LONDON UNIVERSITY.] Mr. *Tooke* asked if it was the intention of the Government to oppose the Motion of which he had given notice—namely, for an “Address to his Majesty, beseeching him to grant his royal charter of incorporation to the University of London, as approved in the year 1831, by the then law officers of the Crown, and containing no other restriction than against conferring degrees in divinity and in medicine?”

Mr. *Goulburn* had no objection to state that it was his intention to propose an Amendment to that Motion.

Mr. *Tooke* begged to inquire the nature of the Amendment. If the right hon. Gentleman would answer the question, it might have the effect of saving the time of the House.

Mr. *Goulburn* said, he had no objection to do so; but it was difficult to state an Amendment without stating the reasons on which it was grounded. He would say, however, that the Amendment would be to the effect that his Majesty would be graciously pleased to order copies of the memorials which had been presented against this charter, together with an account of the proceedings before the Privy Council.

Mr. *Tooke* was glad to hear that such was to be the Amendment. The question it involved might be very briefly disposed of by the House. He considered that the memorials were of little, if any, weight, and that the proceedings before the Privy Council were in fact no better than a blank sheet of paper. He said that he

should content himself with laying before the House a plain statement of facts: In 1833, he brought forward a similar Motion to the present, but, on that occasion, he was induced to withdraw it under circumstances that would not, he hoped, cause the University to suffer any detriment by that withdrawal. Since that time the University of London had greatly increased in utility and in the number of the students that attended it, and this he looked upon as an additional reason for granting the charter for which he now applied. The charter was not sought for any sectarian purposes, but for the advantages of general education in the metropolis. Indeed, there were many members of the Church of England in the Council of the University, and this was sufficient to show that it bore no sectarian character. The charter applied for on the former occasion had actually been prepared, and had received the sanction of the three Law Officers of the Crown, and had passed through the offices of the Privy Seal and of the Secretary of State; but it was stopped in its progress by the refusal of the Great Seal. It was a matter of surprise that it had not been granted according to their recommendation. Time passed on, however, and memorials were, in 1833, presented from the Universities of Oxford and Cambridge, from the College of Surgeons, and the College of Physicians, and counsel was heard on both sides before the Privy Council, but no minute was made. The University did not desire to have any chair of theology, because it was considered the pupils might be instructed in their religious tenets and duties at home; nor did it desire to have the power of conferring degrees in divinity or in medicine. All it wanted was, the right to grant degrees in arts and in law, with probably the same initials as in the Universities at present recognised. These degrees they looked for in the expectation that they would be received by the public with that respect to which they were entitled from the value of the instruction therein. As to the proceedings before the Privy Council, they were of a very extraordinary character. He would not, however touch upon them, as they could be so much better explained by his learned Friend, the Member for the Tower Hamlets. Indeed he wished to reserve all that he might have to say on the subject for a reply in answer to any objections which

might be urged to his Motion, but there was one point to which he felt it necessary to advert immediately. An imputation had frequently been thrown out against this University, as belonging to a Joint Stock Company, as being a commercial speculation, and that, therefore, it should not have the privileges of the established Universities. Now, the fact was, the London University was not the property of a Joint Stock Company, in the ordinary sense of the word, nor was it a commercial speculation, because four per cent was the extreme limit of the interest they could receive upon their money. He considered that the claims of the institution to a charter were increasing daily. There were now 400 pupils. There was also a medical board, not to be surpassed by any other institution in the country. He trusted that London would be granted that privilege which was possessed by almost every other capital in Europe—the privilege of having a recognized University. The hon. Member concluded by moving his Address to the Crown.

Mr. Secretary *Goulburn* observed that the hon. Gentleman had omitted the main point, which was, whether the House, without receiving any information as to what had taken place before the Privy Council and the proceedings which had followed, should, under the circumstances in which they stood, vote an address to the Crown, praying his Majesty to confer a Charter on this institution, and expressing in that Address the restrictions with which they wished that Charter might be granted. It should be recollected by the House that the hon. Member brought forward a similar Motion last Session, and that, on the recommendation of the noble Lord, then Chancellor of the Exchequer, he withdrew it, and the Question was referred to his Majesty, and to the responsible advisers of the Crown. The Question had undergone anxious investigation. It had been referred to the Privy Council, and this at a time most favourable to the interests of those concerned for the University, and then those parties who conceived that they were likely to be injured by the grant of this Charter stated the reasons which appeared to them conclusive against the grant. Yet, now the hon. Gentleman came forward again to ask them—without any knowledge of the proceedings before the Privy Council, or the objections to the grant that had been there stated—without any knowledge

of the views of the Government, further than that they were aware that the charter had not been granted—to agree to an Address to the Crown respecting the exercise of its prerogative. He did not think it necessary to recommend to them by any lengthened argument an amendment which only required, before any further step was taken, that they should have that information which the hon. Member possessed, and perhaps some other hon. Members, but which was not known to the House collectively. He would move as an amendment that they should humbly address the Crown for a copy of the memorials in this case to the Privy Council, and a statement of its proceedings. He begged not to be considered as giving an opinion upon the question. It had been deliberated upon by the Privy Council and had received all the consideration compatible with the real nature of the case.

Sir *Robert Inglis* hoped, that the House would not, upon the bare statement of the hon. Gentleman who brought forward this Motion, agree to an Address of this nature. He did not intend to make this an occasion for going into the general question of the disabilities of Dissenters to enter the Universities, nor did he mean to say anything whatever that might be considered disrespectful to the Dissenting body. All he should deal with was, simply the Resolution before the House. He first objected to this Resolution, on the ground that it went to infringe the immediate prerogative of the Crown. [*“Oh,” from Mr. Hume.*] He knew that this doctrine of the King's prerogative was not very popular, and that it was peculiarly unpalatable to the hon. Member for Middlesex. In the last year, this Charter was applied for under the most favourable circumstance in which it could be brought forward. The then Lord High Chancellor of England, was a member of the Council of the London University, and three other Cabinet Ministers besides, were also members of the same Council. Was there not, therefore, reason to suppose that everything that could be urged in its favour, was urged at that time? And yet it was found that the Charter was not granted, and that no decision was come to by the Privy Council upon it. Under these circumstances, he did not think that the House would be justified in addressing the Crown in such a case. But he opposed the Resolution upon another ground,

which was, that the Motion was in direct variance with the declarations made in that House by Henry Brougham, when he brought in a Bill for the foundation of this very London University. The declaration was then made that no power was intended to be sought for to grant degrees of any sort. He might, indeed, be told, that what Henry Brougham had said in that House, or what Lord Brougham said in the other House, was not to be attended to.

Mr. Tooke begged to correct the hon. Member. The London University, as it really existed, did not at all emanate from the proceedings of which the hon. Member spoke. It originated in a meeting that was held long subsequent to those proceedings.

Sir Robert Inglis said, if the hon. Member was disposed to throw overboard what Henry Brougham or Lord Brougham had said, the time might come when what Mr. Tooke said might also be thrown overboard, as not binding this year any more than what Henry Brougham said six years ago. But it appeared that the present Motion applied for a Charter to grant degrees only in arts and in law. This, however, was merely an attempt to get the small end of the wedge in, when the rest was sure to follow in time. He objected, also, to the incorporation of this establishment, because it was calculated to interfere with a system of sound education in the metropolis. He felt convinced the result of granting such power, would be injurious to the Universities of Oxford and Cambridge. There was a petition presented from Oxford on the subject, in which it was stated that they would have no objection to the privilege of granting certain degrees. What they wanted was, that the degrees conferred by the London University, should not circulate as having equal authority with theirs. They might have equal value when the new University should become as distinguished for all the qualities that ought to belong to such institutions, as the old were. There was another consideration worthy of attention. He did not mean to impeach the solvency of individuals, when he said that property was one of the original elements of the London University. There were shares in it which were now as marketable as shares in any other speculation or business. Now, was a Joint-stock Company, that sort of body which ought, or could with

propriety, be vested with the privilege of conferring degrees? What was the opinion expressed upon this point, not by one or two fellows of a College, but in a memorial delivered in to the Council, from the medical faculty of the City of London, by Lord Lansdowne. The memorialists there observed, that the London University was a Joint-stock Association, in which shares were bought and sold, and might, therefore, fall into the hands of any person, no matter how unfit. In the same memorial, it was stated, that when this institution was first suggested, it was spoken of as a scheme. Now, did not the word scheme, imply something not very respectable in its nature? There was nothing in the nature of this institution, whatever name it might assume, or under whatever initials the degrees might be conferred, that would imply the same standard of excellence, as those conferred by the old Universities. Even the M. A. of the Scotch was not considered an equivalent for those of the English Universities. The hon. Gentleman (Mr. Tooke) said, no more was asked than the privilege of conferring degrees in arts and in medicine. He seemed to think it much that they did not ask to give degrees in divinity. Was he aware that the degrees in divinity conferred at Oxford and Cambridge, were few in number, compared to other degrees? Not being fully prepared for this question, he was not furnished with sufficient Returns. However, in the year 1832, there were 281 Bachelors' degrees, and 168 Masters' degrees, conferred in Oxford, while the degrees in divinity were not more than twelve. The hon. Gentleman, therefore, relinquished only that which was valueless, and retained what was of the greatest importance. Feeling that it would be inconsistent with the prerogative of the Crown, to grant such a Charter, contrary to the original declarations made when this institution was first proposed; that it would be injurious to the interests of the other Universities, unfair, also, to King's College, where there was as good a medical school, and as able professors, as at the University of London; that it would be injurious to the general course of education, and to grammar schools, established upon the faith that the present system was to continue, he must oppose the Motion. It must have the effect of doing great injury to the cause of education, if the same

degree, which at Oxford was a test of religious education, could be conferred by a University which had no religious education in its system of instruction.

Dr. *Lushington* said, the right hon. Gentleman (Mr. Goulburn) opposed the Motion on the ground that the House was not in possession of sufficient information. The right hon. Gentleman said the memorials laid before the Privy Council upon this subject, and the proceedings which arose out of them, the arguments and discussions, ought to be first before the House. The right hon. Gentleman had ample time for perusing all these documents. Had he produced any arguments from these documents they might perhaps afford reason for rejecting the Motion altogether, but their absence afforded no reason for delay. The right hon. gentleman was well aware that the memorials or arguments of Counsel would have no effect upon the House, otherwise he would have availed himself of them upon this occasion. The Members for both Universities were in that House, and if there were any solid objections to this Motion they could easily have stated them on the part of the Universities. His hon. Friend (Sir Robert Inglis) said, it would be interfering with the prerogative of the Crown to grant the Motion. What interference was it with the prerogative of the Crown to ask his Majesty to exercise it for the benefit of the country? Would it be said that Oxford and Cambridge were sufficient to fill up the void which now existed in the public education of this country? Were they extensive or economical enough? They were notoriously so expensive that education in them must be confined to persons in a high rank of life. They could not effect the purpose proposed by the University of London. What was that purpose? Why, to afford the opportunities for education to the children of the vast population of London, consisting of all sects and persuasions. How many persons were there who, having witnessed the expense, the inconveniences, and evils, of education at a distance from home wished to have their children under their own eye? As his hon. Friend (Sir Robert Inglis) would exclude the great body of the Dissenters from education in Oxford and Cambridge he ought, in common justice and humanity, to be disposed to grant the privilege now sought for. His hon. Friend said, the value of the degree

would be less. No person ever thought a degree in a modern as valuable as one in an ancient University; but grant the power and the Professors would naturally feel anxious so to exert themselves in the cause of education as to bring respect to the degrees conferred by the institution. If the degree of Oxford and Cambridge was entitled to such high distinction, they need not apprehend any injury from a rival institution. The hon. Baronet and his Friends might depend upon it, that it would be no disadvantage to the Universities of Cambridge and Oxford to allow another institution to compete with them in the race. Excellence in degrees of learning was best obtained, as in other objects of human desire and exertion, by competition. It had been urged that a degree conferred at the London University would be obtained without religious education. This was hardly a fair representation of the case, for although degrees obtained at the London University would not be, as they were, at the other Universities, a test of education in the established religion, it did not follow that it was a principle of the University of London to throw religious education entirely out of the question. Instruction in a particular form of religion, it was not insisted the students should receive; but they were left to be placed under the religious guidance of such instructors as their parents or guardians might select in their own homes. His hon. Friend (Sir Robert Inglis) said the charter was now under consideration, that the question was *sub judice*. [Sir Robert Inglis: I did not say *sub judice*.] No, but something equivalent. The late Government had no objection to grant a charter, and it would be an extraordinary course if the memorials and arguments which were addressed to a Privy Council under a former Government were to be decided on by another Privy Council. He was quite willing to leave the question on its own merits. If there was any one thing more conducive than another to the general welfare of the people of England it was that they should be left freely to cultivate the talents which God gave them.

Lord *Francis Egerton* said, that as he intended to vote for the Amendment of his right hon. Friend, he was anxious to guard himself against the supposition of being disposed to quash the proposition of the hon. Member for Truro. Enter-

taining the highest respect for the hon. Baronet the Member for the University of Oxford, he must confess that if he had to judge of this question by the speech delivered by him compared with that just delivered by the hon. and learned Member for the Tower Hamlets, he must vote with the latter. In fact, he did not apprehend those dangers and inconveniences which had been so much dwelt upon by the hon. Baronet, nor did he think that the interests of sound education would suffer from the incorporation of the University of London. He could not forget, however, that acceding to the Motion would, in effect, be to found a dissenting University. He confessed that he was unfortunate enough to entertain scruples—he said unfortunate, because he considered it a misfortune—to entertain scruples which he did not see any likelihood of being removed, to the admission of Dissenters to Oxford and Cambridge: and, for this reason, he was disposed to countenance some central institution for the education of the Dissenters; and he did not doubt, were such an one established, that their numbers and wealth would enable them, whilst their knowledge induced them, to give it greater support than, as far as he could ascertain, they had yet given to the University of London. What, however, determined him to vote for the Amendment in preference to the original proposition was, that he had not information sufficient whereon to ground his opinion. It was the favourable feeling he entertained to the general proposition, that made him anxious to obtain information to guide him in his course. As a subscribing Member to the University, he could not now say, that he even had information enough to induce him to consent to the exclusions the hon. Mover was willing to make. Till he had further information, he was unwilling to decide that this institution had not qualifications for bestowing the very degrees the hon. Member was willing to take from under its control. For this reason he should vote for the Amendment.

Mr. Warburton said, that although the noble Lord had concluded by expressing his determination to vote for the Amendment, he confessed, considering the views generally taken by the hon. Gentlemen who now occupied the Treasury Bench, and with whom the noble Lord was associated, upon the subject of education, he had not heard the sentiments

expressed by the noble Lord without some feeling of mitigated satisfaction. It was true, that noble Lord, in common with those with whom he acted, was determined to oppose the Motion, but still his opposition had been expressed in terms infinitely more liberal than the House was accustomed to hear from the Treasury Benches. He (Mr. Warburton) would venture to affirm, that a similar proposition, made in behalf of such a body as that of the London University, would have been very differently treated by any Government that might have been in power 150 years ago. After the discussions that had already taken place upon the subject—after the course adopted with respect to it in the last Session of Parliament, he confessed he was surprised to hear the objections that was now urged against the Motion of the hon. and learned Member for Truro. It was asserted by the hon. Gentlemen opposite, that the London University was a mere stock-jobbing concern, and that the professors and other parties interested in it looked only to the amount of profit that might be derived from it. Never was an assertion made more completely destitute of foundation. The profits, if any, derived from the Institution were limited to four per cent, so that, under any circumstances, it could not be regarded as a speculation into which parties would enter with a view to pecuniary profit. Yet it was constantly thrown in the teeth of those who came forward to advocate its interests, and to endeavour to obtain for it a charter, that it was a mere stock-jobbing company, and that the only object in empowering it to confer degrees was to make it more profitable. This was one of the chief grounds upon which the charter was objected to. Another argument used by the hon. Gentlemen opposite was, that the Report, if it were deemed of such importance, ought to have been more strongly pressed in the last Session of Parliament, when the parties generally supposed to be most favourable to the London University were in power. “Why,” said the hon. Gentlemen, “did you not press the question under the former Administration?” The answer was obvious: the parties then in power were generally favourable to the admission of Dissenters to the Universities of Oxford and Cambridge, and, consequently, the incorporation of the University of London was not deemed a

matter of so much importance; but now that the Government was composed of persons known to be directly hostile to the admission of Dissenters to the other Universities, it became of paramount necessity that no time should be lost in pressing the claims of the University of London. If there were anything in the argument that had been advanced, that the chief desire of the friends of the London University, in obtaining for it the power of conferring degrees, was to increase its profitableness; if the sole motive were considered to be one of profit, the same argument would apply with equal force to the Universities of Oxford and Cambridge, because those Universities had throughout the whole of the discussions upon this subject been most anxious to maintain their monopoly of granting degrees in the arts and sciences. "Do not interfere with our monopoly in this respect," exclaimed they; "we do not care about degrees in divinity and medicine; but touch not our degrees in the arts—that is the source from which we derive our profit—that is *tabooed* ground—touch it not." But if the right hon. Gentleman opposite thought that the professors of the London University might have too great an interest in multiplying degrees, let them come forward with a proposition to establish one general University for London, comprehending the King's College, as well as the London University, and let them appoint a set of examiners of their own to determine upon the granting of degrees wholly independent of the professors of the two Colleges. If the right hon. Baronet, the Chancellor of the Exchequer, would pledge himself to adopt that course, he (Mr. Warburton) would withdraw his support to the proposition now brought forward by the hon. and learned Member for Truro; but unless he had an assurance to that effect, he should certainly recommend his hon. and learned Friend to press his Motion to a division.

Mr. Baring, notwithstanding the sweeping charge of illiberality which the hon. Member for Bridport had brought against those who sat upon the Treasury Bench, begged to remind the hon. Member that he was one of the earliest subscribers to the London University; and having been one of the earliest subscribers, he certainly was enabled to confirm one of the observations that had fallen from the

hon. Member. The idea of the University having been established with a view only to the profit of the subscribers, was wholly unfounded. Those Gentlemen were actuated by a generous desire to diffuse the benefits of education, and he rejoiced that their proceedings had caused the establishment of King's College. If three or four similar institutions were hereafter to be founded, he should experience still greater gratification. But he begged to call the attention of the House to the real question for their consideration. It was whether it would be useful to these establishments to have the privilege of conferring degrees exactly the same as those conferred at Oxford and Cambridge? Now, he did not understand what it was, that prevented the London University from giving other academic distinctions, which would be of equal service to the students. The Universities wanted no charter to do this, and they might entitle the distinction in whatever way they pleased. The Question had several times been brought before the House, and in what position did it now stand? It was brought forward when the hon. Gentlemen opposite were in power—it was referred to the Privy Council, of which the great patron of the institution was a member—it was, of course, very maturely considered by them, yet up to the removal of the late Ministers from office, no step had been taken upon the subject. Surely, then, it was fair for him to presume that the late Government had found some difficulty standing in their way which prevented them from immediately recommending the Crown to grant a Charter of incorporation to the University; and if such a difficulty interposed between the Members of the late Administration, and the object to which they were all supposed to be favourable, surely it was not too much to say, that the present Government ought to be allowed to pause before such an address as that proposed by the hon. Member for Truro were presented to the Crown. At all events, the House ought to know what took place when the question was examined by the Privy Council before it called upon the Crown to grant a Charter in precise and express terms. He (Mr. Baring) would suggest to the Gentlemen who sat upon the Liberal benches, whether the concession of this power to the London University, to the exclusion of the other schools in

the metropolis, would not be to give it that very monopoly which they complained of in the Universities of Oxford and Cambridge. Never having entertained the slightest hostility to the London University, he must still fairly confess that that part of it which had since grown up, and which was not contemplated by those by whom it was originally established—he meant education unaccompanied with religious instruction—he could not approve of. The right hon. Gentleman concluded by expressing his determination to vote for the Amendment moved by his right hon. Friend, the member for the University of Cambridge. [*Cries of “Question!” and “Divide.”*]

The *Chancellor of the Exchequer* rose and said, I take it for granted, from the general demand that is made in the lower part of the House for an immediate division, that the Gentlemen assembled there are perfectly acquainted with the nature of the Motion on which they are going to divide, that they have maturely weighed the proposal upon which they are going to address the Crown, and, therefore, that they consider there no longer remains any necessity for further discussion; but, to those who are not exactly aware—to that portion of the House which not having heard the argument [a number of Members had just entered the House] cannot be acquainted with the nature of the proposal upon which we are going to pronounce an opinion, I take the liberty of reading the Motion. It is in these words: “That the House do agree to an Address to his Majesty, beseeching him to grant his Royal Charter of incorporation to the University of London, as approved in the year 1831 by the then Law Officers of the Crown, and continuing no other restrictions than against conferring Degrees in Divinity and in Medicine.” No man who has not read the Report of the then Law Officers of the Crown, or does not know the contents of it, is very well qualified to press the restrictions specified in the Motion upon the Crown. The address is to grant a charter of incorporation, but to grant it upon the principle approved of by the Law Officers of the Crown in 1831. Now, I ask the House of Commons whether it be decorous to proceed on a certain night to address the Sovereign of this country to grant a charter to a certain body according to the

mode approved of by the Law Officers of the Crown some years since, without having maturely weighed the scheme of which the Law Officers of the Crown so approved? Will hon. Gentlemen consent that I should examine them severally upon the opinions expressed upon the Report of the Law Officers of the Crown, in order that I may ascertain, out of the 300 or 400 Members who are about to pronounce an opinion upon it, how many have maturely considered the recommendation of 1831? The Law Officers of the Crown, who were consulted in that year, proposed these restrictions upon the charter—that it should convey no power to the University to grant degrees in divinity and medicine. It may be very obvious and right, in the opinion of many Gentlemen, to restrict the right of giving degrees in divinity, but why impose the restriction with respect to medicine? Why address the Crown to exercise its discretion in the grant of a charter, but limit the grant by the expression of some opinions to-night, and exclude the Crown from granting a charter for conferring degrees in medicine? I have an account in my hand of the state of the University of London in 1831. It had then 480 students, of whom 293 were students in medicine, 113 students in the arts, and 74 students in law. Am I to address the Crown to-night to give the privilege to the University of conferring degrees upon the 74 students in law, and upon the 113 students in the arts, but to exclude the 293 who are students in medicine? This question has been brought before the House on former occasions. No longer ago than last year it was submitted to Parliament, and taken into consideration by the Crown, and by his Majesty it was referred to the Privy Council. Suppose the House should agree to address the Crown again on the present occasion, what course is the Crown to pursue? Is it again to refer the matter to the Privy Council? Or is the Crown, having once referred it to the Privy Council, and having received no Report from it, to disparage the labours of the Privy Council, and to grant the charter without reference to it? That is the question which the Crown must determine if this address be presented. The matter was referred to the Privy Council because the King thought it was but right to give the parties who were adverse to the proposition, an oppor-

tunity of being heard. What course is now to be adopted? If the Crown is not to exclude the Privy Council, is it to refer the matter again to the Privy Council? The hon. Member for Bridport says, he thinks that some better mode might be devised than granting a charter to the University of London. If the hon. Gentleman is of opinion that some better course might be pursued than that which is proposed to-night, why should not the House of Commons take his advice, and at least pause before it agrees to such an address as that now proposed? The hon. Gentleman says he thinks it would be better not to confer any exclusive charter upon the University of London, but to establish one general and common University for the metropolis, including the King's College and other schools, as well as the particular establishment now under consideration. Then, why am I to be called upon to-night to present an address to the Crown, praying that a charter may be conferred upon the University of London? The hon. Member for Bridport says, that those who sit on this side of the House are not in the habit of adopting liberal opinions. [Mr. Warburton: Were not.] Does the hon. Gentleman mean in the course of the last year? In the course of the discussions that have taken place upon this subject, the strongest opinions have been expressed against granting a charter to this University. I do not recollect ever having expressed a strong opinion upon the subject; but the strongest objection that presents itself to my mind to the proposition now before us is to be found in the proceedings adopted last year at the instance of the hon. Gentlemen then in the Government, but who now sit on the opposite side of the House, and by whom this very question of granting a charter to the University of London was submitted to the Crown, and by the Crown referred, as I have before stated, to the Privy Council. A committee of the Privy Council was appointed—they received the petition of the parties adverse to the grant of the charter, or at least anxious that it should be accompanied with certain qualifications—they heard the evidence—they heard the speeches of counsel on both sides—they heard a very able speech from my learned Friend Sir Charles Wetherell—they heard a speech from the hon. and learned Gentleman opposite (Dr. Lushington)—they took the

whole subject into their consideration, but to this hour they have never given any opinion upon it ["*Hear, hear!*"]. "*Hear, hear!*" says the hon. Gentleman opposite with a sort of triumphant laugh. I am only answering the charge he has made upon the hon. Gentlemen who sit on this side of the House as to the great obstructions that they have ever been disposed to throw in the way of education. I presume, from what I have stated, that there must have appeared some good and valid ground for withholding the grant of the charter, especially as the late Lord Chancellor was one of the committee of the Privy Council which was appointed to inquire into the matter. I find, by a paper in my hand, that the members of that Committee were the Archbishop of Canterbury, Lord Brougham, the Archbishop of York, Lord Lansdowne, Lord Ripon, the Duke of Richmond, Earl Grey, Lord Eldon ["*Hear!*"], the Earl of Carlisle ["*Hear!*"]. Surely if the hon. Gentlemen opposite cheered the name of one of those noble Lords, they ought to groan at the other. I continue: Lord John Russell, the Bishop of London, Lord Holland, Lord Lyndhurst, Lord Denman, Chief Justice Tindal, Lord Melbourne, and Lord Stanley. This committee was constituted by the late Government; it met, and gave the greatest attention to the subject. It sat upon the 26th of April and on the 3rd of May. The late administration did not quit office until the 13th of November. And why, having considered this matter fully, having heard the speeches of counsel on both sides—speeches which certainly did justice to the subject, in point of length, as well as in ability—why, having heard all this, and closed their proceedings on the 3rd of May, they never took a single step upon the subject up to the 13th of November, I confess, I for one, cannot understand, unless they felt that there was some serious difficulty, legal or constitutional, that stood in the way of granting the charter. If that were really the case, what course is the Crown now to pursue? Is it again to refer the matter to the Privy Council? ["*No, no!*"] It is not to do so; it is not to ask again for the opinion of Lord Brougham or Lord Denman?

Mr. Tooke rose to explain. The right hon. Baronet had alluded to several Reports of the Law-officers of the Crown not having been produced. He thought that

the right hon. Baronet was hardly aware that the paper which had that day been printed, and as yet but very imperfectly delivered to hon. Members, did instance a charter which was issued upon the Report of the Attorney and Solicitor-General, which passed through the Home Secretary's office, through the Signet office, through the Privy Council, and which twice received his Majesty's Sign Manual. It was to carry into effect the recommendations of that Committee, that he (Mr. Tooke) brought forward his Motion.

The Chancellor of the Exchequer: The hon. Gentleman refers to a paper which he admits has been very imperfectly delivered. Was there ever such a farce. He holds in his hand a paper which he admits has been very imperfectly delivered this afternoon.

Mr. Tooke: I am not fairly treated by the right hon. Baronet.

The Chancellor of the Exchequer: Then I must have misunderstood the hon. Gentleman. I understood him to say, that the paper was not printed until to-day, and that as yet it had been but very imperfectly distributed. But I will not dwell upon the point. I proceed. I have described the proposition of the hon. Member for Truro. Now what is the proposal of my right hon. Friend, the Member for the University of Cambridge? He proposes an amendment, praying his Majesty to give directions that there be laid before the House, not merely the proceedings before the Privy Council, but copies of the Memorials presented to, and the proceedings had before, the Privy Council, in the matter of the London University. I conceive that the House, being in possession of all those documents, will be better able to determine what course it will be proper to pursue, than it can be at the present moment. The hon. Member for Bridport says, that he shall feel it to be his duty to press the question to a division, unless I will pledge myself to take the adoption of a particular plan which he has pointed out, into my serious consideration? I will not, for the purpose of evading the temporary difficulty, give any pledge of the kind required by the hon. Member. If the House shall think it decorous to proceed to an Address to the Crown, praying that a Charter may be granted to the University, as settled by the Law-officers in 1831—if it shall be prepared to say to-night, that the Charter

when granted, shall include a restriction on medical degrees, let it pursue that course. I say openly, that, in my opinion, it will be an unwise and an improper course. I believe that the course pointed out by my right hon. Friend would be much more safe and much more satisfactory. It precludes nothing—it prejudices no future proceeding—it only enables the House to form a better judgment upon the question. But feeling my objections to the Motion of the hon. Member for Truro to be well founded, I say on this occasion, as I say on every other, rather would I be found in a minority, and throw the responsibility of what I conceive to be an unjust and unwise proceeding upon the majority, than acquiesce in any proposition for the purpose of escaping an occasional or temporary difficulty. I feel, Sir, that it is not proper for the House to present this address to his Majesty. I feel that the presentation of such an Address will not in any way facilitate the object which the hon. Member has in view. My past experience convinces me of the justness of these feelings; and, therefore, upon these combined grounds, I cannot give my consent to the Motion before the House. At the same time, Sir, while I say this, I do feel that the position of that portion of his Majesty's subjects who do not conform to the Church of England, and who, in consequence of their not submitting to certain religious tests, are excluded from the Universities, is deserving of attention. It is a ground of just complaint for them, and their claim to academic honours is not fairly and fully met. As to what may be the proper mode in which these honours should be conferred. I am not prepared to say, but I do not make this statement for the purpose of entrapping the House, nor will I give any pledge on the subject. Let the House take that course which it, in its wisdom, thinks fit, without my interposition. But, at the same time, it is right that I should not withhold the expression of my opinion; or refrain from declaring that I myself have no objection to some provision being made that should accord to Protestant Dissenters, who are excluded from the Universities, the power of acquiring academic distinctions. But that is a question which will demand very great consideration; and which, in my judgment, is very different from what is now proposed to be acceded to by the House. I do not ap-

prehend, Sir, that the Universities of Oxford and Cambridge which now object to granting a Charter to the London University, ever objected to that University granting degrees, and that the objection was narrowed to that Charter conferring the power to grant honorary titles which might be confounded with the University honours of Oxford and Cambridge. I believe, Sir, there exists no objection to the London University granting degrees in the arts and in the law, specifying, in the diplomas, upon what authority those grants are made. At all events, this is a matter worthy of consideration. I hope, Sir, that I have dealt with the House perfectly fair. I repeat, I make no pledge, and give no assurance upon the subject; because I have not yet given the matter the consideration which it deserves. I think the Motion of the hon. Member for Truro an unreasonable one; and I prefer the Amendment of my right hon. Friend, because I conceive it to be the only course which the House can with propriety adopt in the present state of this question. I shall conclude by declaring, with great deference to the authority of the House, my respectful opinion that its decisions will acquire much greater authority if adopted after mature deliberation, and much greater weight will belong to them, if they are known to be the result of dispassionate discussion, and formed after the House shall have received the information that is within its reach. I hope the House will not come to a hasty resolve in favour of the terms in which the Charter should be granted to the London University, especially when the hon. Member for Bridport has stated, that those terms ought to be more extended, and when it is very doubtful whether medical degrees should be excluded from the Charter or not.

Lord John Russell said, that when the right hon. Baronet acknowledged that the claims of the Dissenters to admission to Universities were well grounded, and when he said that those who did not conform to the Church of England should have an opportunity of obtaining academical honours, he wished that the right hon. Baronet had, at the same time, pointed out some way in which the House could have expressed its acquiescence in his opinion. But while the right hon. Baronet allowed the justice of the claim under consideration he did

not point out any mode by which it could be satisfied. The right hon. Baronet could not say, that the Motion "took him by surprise." The notice was sufficiently long before the House, and time enough had been afforded for the production of the Memorial. If it were the opinion of the right hon. Baronet that some better, some more enlarged course should have been adopted, he had had full time for taking the matter into consideration, and for developing the plan which he should recommend the Government to adopt. The present position of the House with regard to this question, he begged to say, was not that in which it stood last year; because the Universities of Oxford and Cambridge having opposed the admission of Dissenters into those two Universities, and having succeeded in their opposition in the other House of Parliament, and having the power, by their rules and regulations, to exclude Dissenters, they thus stood forward and said, that not only should these persons be excluded from the ancient Universities, but that an institution which had been established at the expense of 150,000*l.*, and which was fully capable of teaching learning and the arts, should not have the power of conferring honours and degrees. This was deemed a grievance by the Dissenters, and ought to be remedied. The House had been told by the right hon. Baronet, who had argued the case with ability, that what the Universities objected to was, that the London University should confer the title of master and bachelor of arts. He knew that there was a certain degree of honour attached to these names, and that they conveyed with them the idea of proficiency and skill; but if new names were to be employed in the London University, for the mere purpose of making a distinction between the degrees which were conferred in Oxford and Cambridge, and those which were conferred in London,—and if the new names were not to carry with them the weight attached to the old ones,—persons who were prevented from entering into the old Universities would still be deprived of those distinctions to which they were entitled, although they might be able to obtain all the academical honours which could be conferred by the new. The right hon. Baronet and the right hon. the President of the Board of Trade had referred to what had passed on this subject before the Privy Council. He (Lord John Rus-

sell) had been present at that Council, and he had heard with attention the arguments of his hon. and learned Friend near him (Dr. Lushington), as well as the hon. and learned Gentleman who had spoken on the part of the ancient Universities. The great objection appeared to him, and he believed all the Council thought so, to be not so much on the part of the two Universities as on the part of the medical schools of London, and he thought that the other schools of London would be entitled to confer medical degrees, if that power was given to the University of London. The Member for Bridport had said, that it would not be desirable to give the London University the power of conferring medical degrees, and the objection which he (Lord John Russell) had just stated was the principal ground of the proposed restriction. On the whole, the matter appeared to be of so much importance, that the Council did not come to an immediate decision. But he was surprised that the right hon. Baronet should have been ignorant of the fact, and should have believed that the Council had done nothing on the subject. Why, Lord Brougham had been employed almost constantly on the subject. A fortnight did not pass without his (Lord John Russell) receiving a communication from his noble and learned Friend on the subject of granting a Charter to the University of London, and how it could be reconciled with other institutions. During the noble and learned Lord's journey into Scotland, he had been very much employed on this subject, and the noble and learned Lord had sent him a voluminous paper on the question. It was not a matter of ridicule or of scorn that a person of high legal station should occupy himself in advancing literature and science. He could say of Lord Brougham, that whatever were his political or legal pursuits, he (Lord John Russell) never knew a time when that noble and learned Lord did not evince the greatest anxiety for, and was not ready to devote a large portion of his time to, the advancement of science and of art. Then it came to this, that the late Government, and Lord Brougham especially, had been anxiously occupied in considering, first, whether it was possible to obtain the consent of the Universities of Oxford and Cambridge to Protestant Dissenters taking degrees in those Universities; secondly, if that failed, whether a charter should be

given to the London University, to enable Protestant Dissenters to take degrees therein; and thirdly, whether any other large and combined plan could be devised which should extend to the London University and other schools; and he had not heard from the right hon. Baronet that there was any disposition on the part of Government to pledge itself to introduce a measure which would afford to Protestant Dissenters a prospect of obtaining the literary honours they naturally coveted. He might mention many names of men eminent for learning, though not endowed with rich pluralities, who were gratified by literary honours; he would only mention the name of one such, Dr. Lardner, who, at the end of his life, received a degree from a Scotch University, and acknowledged that it could not but be agreeable to literary men, whatever their religious tenets, to receive an honour of that kind. Protestant Dissenters who dedicated their talents to the fame of their country, and to the promotion of its literature, might, indeed, receive an honour from Scotland; but there should be a place in England where they might obtain literary honours, although they could not sign the articles of the church of England. He admitted that there might be some objections to the charter of 1831, and he wished the hon. Member for Truro had omitted some of his observations on it; but still, having no hope afforded him by the right hon. Baronet that Government would adopt any measure on the subject, and having to choose between two alternatives, he should concur in the motion of the hon. Member.

Mr. *Estcourt* wished to correct a misapprehension which had run through the whole discussion, on the part of the hon. Member on the other side of the House. But before he did so, he must say, that he hailed with satisfaction the observations of the noble Lord, for he thought there could not be a stronger reason for acceding to the proposition of the Secretary of State for the Home Department than the noble Lord's statement of the assiduity which the Privy Council had applied to this question, and he thought that the House would be unjustly treated, if it was not put in possession of the result of the consideration of the Privy Council. The paper which had been exhibited to the House, and of which it had had an account from the hon. Member for Truro, he had never heard of before. The Gentlemen on the

other side had argued the case as if the Universities of Oxford and Cambridge were adverse to the institution of the London University, as a place for diffusing education. That, however, was not the case. They had no wish to prevent the grant of a charter to that institution, or that the charter should not contain a provision to enable it to confer academical honours. When gentlemen pressed the point so strongly, it was but just to the University of Oxford to read the sentiments expressed in the petition of the University to the king, and which had been referred to the Privy Council, wherein they stated that they were by no means desirous that an institution formed for the promotion of education and science should be restrained from bestowing marks of honour on its members; but such marks of honour, they said, in civil law and theology, should not bear the same titles as those conferred by the Universities of Oxford and Cambridge. Why not?—because the degrees conferred by the Universities of Oxford were adopted as a criterion for placing individuals in situations of great trust. That view was, he thought, correct, for many bequests were made, with the condition that, having a degree in arts, an A.M., was a qualification to their enjoyment. Now, it was obviously contemplated that the advantage should be confined to those possessing a degree from Oxford or Cambridge, while this object would be defeated if another establishment were privileged to confer the same honour under the same title. The hon. Member concluded, amid reiterated cries of “Question question,” by supporting the Amendment.

The House divided on the original Motion: Ayes 246; Noes 136 — Majority 110.

List of the AYES.

Acheson, Viscount	Brotherton, J.
Adam, Admiral	Bannerman, A.
Aglionby H. A.	Barham, J.
Agnew, Sir A.	Brocklehurst, J.
Ainsworth, P.	Bish, T.
Angerstein, J.	Barry, G. S.
Astley, Sir J.	Buller, E.
Attwood, T.	Bowring, Dr.
Barclay, D.	Bernal, R.
Bridgeman, H.	Bulwer, H. L.
Brodie, W.	Byng, Sir J.
Berkeley, Hon. C.	Beauclerk, Major
Blake, M. J.	Bodkin, John James
Burton, H.	Baines, E.
Blamire, W.	Bowes, J.
Berkeley, Captain	Buckingham, J. S.

Byng, G.	Heathcoat, J.
Bewes, T.	Howard, E.
Biddulph, R.	Howard, P. H.
Barnard, E. G.	Ingham, R.
Beauvoir, Sir J. D.	Johnston, A.
Bellew, Sir P.	Johnston, H.
Bellew, R. M.	Kennedy, J.
Chichester, J. P. B.	Labouchere, H.
Crawford, W. S.	Lennox, Lord G.
Cavendish, C.	Lennox, A.
Clive, E. B.	Lemon, Sir C.
Crewe, Sir G.	Locke, W.
Carter, B.	Lambton, H.
Crawley, S.	Leader, J. H.
Clements, Lord	Littleton, Rt. Hn. E.J.
Cowper, Francis	Lennard, T. B.
Chalmers, P.	Loch, J.
Colborne, R.	Lefevre, C. S.
Collier, John	Lopes, Sir R.
Cavendish, Hon. G.H.	Long, C.
Codrington, Sir E.	Lushington, Dr.
Denison, W. J.	Lushington, C.
Duncombe, T.	Lynch, A. H.
Dalmeny, Lord	Methuen, P.
Divett, E.	Morpeth, Viscount
Dobbin, L.	M'Taggart, J.
Denistoun, A.	Macleod, R.
Etwell, R.	Maxwell, J.
Ebrington, Lord	Musgrave, Sir R.
Euston, Lord	Mackenzie, J. A. S.
Ewart, W.	Murray, J.
Fergusson, J.	Martin, J.
Fergusson, C.	Marsland, H.
Ferguson, R.	Maher, J.
Ferguson, Sir R.	Mosely, Sir O.
Finn, W. F.	Marjoribanks, S.
Fleetwood, P. H.	M'Cance, J.
Fitzsimon, C.	Mullins, F. W.
Fitzsimon, N.	Maule, C. Fox
Fitzroy, Lord C.	Murray, J. A.
Fort, J.	Marsland, T.
Fielden, J.	Nagle, Sir R.
Fellows, N.	North, F.
Fazakerley, J. N.	O'Brien, W. S.
Gaskell, D.	O'Brien, C.
Gully, J.	O'Connell, D.
Grattan, H.	O'Connell, J.
Gisborne, T.	O'Connell, M. J.
Grey, Sir G. Bt.	O'Connell, M.
Goring, H. D.	O'Connor, Don.
Grattan, J.	O'Dwyer, C.
Gordon, R.	Olipphant, L.
Gillon, P.	O'Loghlen, Serjeant
Grote, G.	Ord, W.
Heron, Sir R.	Oswald, J.
Hindley, C.	Oswald, R. A.
Hardy, J.	Price, Sir R.
Hobhouse, Sir J.	Perrin, Serjeant
Hoskins, K.	Phillips, M.
Holland, Edward	Pinney, W.
Harvey, D. W.	Parnell, Sir H.
Hodges, T.	Power, J.
Hume, J.	Pattison, J.
Hutt, W.	Potter, R.
Hodges, T. L.	Pease, J.
Hay, Colonel, L.	Parrott, J.
Hawkins, J. H.	Plumptre, J. P.
Harland, W. C.	Phillips, G.

Palmer, Gen.	Strutt, E.
Pepys, Sir C.	Tynte, C. K.
Ponsonby, G.	Thornely, T.
Power, P.	Trelawney, Sir W.L.S.
Ramsden, J. C.	Tennent, J. E.
Ramsbottom, J.	Tracey, C. H.
Rundle, J.	Talbot, J. H.
Rice, Rt. Hon. T. S.	Troubridge, Sir T.
Richards, J.	Tancred, H.
Rickford, W.	Tulk, C. A.
Ridley, Sir M. W.	Vivian, J. H.
Rippon, C.	Verney, Sir H.
Roberts, A. W.	Vivian, Major
Roche, W.	Villiers, C.
Rolfe, R. M.	Williams, Sir James
Ronayne, D.	Williams, W. A.
Russell, Lord J.	Williams, W.
Russell, Lord W.	Wilks, J.
Ruthven, E.	Walker, R.
Ruthven, E. S.	White, S.
Scholefield, J.	Westenra, Colonel
Scott, E. D.	Wallace, R.
Scott, J. W.	Wemyss, Captain
Scourfield, W. H.	Wood, C.
Seale, Colonel	Wood, Ald. M.
Sharpe, General	Warburton, H.
Sheppard, T.	Wilbraham, G.
Sheil, R. L.	Welby, G. E.
Simeon, Sir R.	Whalley, Sir S.
Sinclair, G.	Wrightson, W. B.
Smith, B.	Wigney, I. N.
Smith, T.	Wilson, H.
Smith, Hon. R.	Winnington, H. J.
Smith, J. A.	Williamson, Sir H.
Spiers, Captain	Wakley, T.
Spry, Sir S.	Walker, C.
Stewart, Sir M. S.	Wyse, T.
Stewart, R.	Younge, G. F.
Stuart, Lord D.	TELLERS.
Stuart, Lord J.	Stanley, E. J.
Strickland, Sir G.	Tooke, W.

REMOVAL OF ASSIZES (IRELAND.)]

Mr. *O'Loghlen* rose to move for leave to bring in a Bill for the appointment of convenient places to hold the Assizes in Ireland. The hon. and learned Member said, persons in Ireland had to travel sometimes sixty or seventy miles to obtain justice. He need not say, how very inconvenient such a state of things must be; he should be happy to meet with the assistance of any hon. Members in preparing his Bill, and as he did not expect any opposition to his motion, he would simply move for leave to bring in his Bill.

Sir *Henry Hardinge* said, he did not intend to offer any opposition to the measure—he only hoped sufficient time would be given to refer the matter to a Commission.

The *Chancellor of the Exchequer* did not intend any opposition—he only wished to say, that he was afraid the vigilance of

the hon. Member for Salford must be asleep, or he would have moved the adjournment of the House.

Mr. *Wyse* said, that some time ago an attempt was made to remove the assizes from Waterford. The Bill had met with great opposition from the inhabitants; and he was afraid the hon. and learned Member had sought to introduce a measure which was extremely obnoxious to the great body of the magistracy of the county.

Mr. *Littleton* said, that from his experience in Ireland, he believed such a measure would be extremely useful. He thought the apprehension of his hon. Friend was quite unfounded, because it would be quite impossible to remove the assizes without the concurrence of the Privy Council.

Mr. *Walker* looked upon the measure as giving the death-blow to the independence of Ireland. He had no objection to the Privy Council of England, but he wished the affair to be brought to the proper tribunal, and that was that House. He would not refer it to a tribunal, not only partial, but consisting wholly of one party. When he knew that the Grand Juries in Ireland were nominated by the Orange Sheriffs, and the Orange Sheriffs of Ireland by the Orange Judges, and these Orange Judges forming a large and influential portion of the Privy Council of Ireland, he must say, that a more unjust proposal could not have been imagined, and he trusted that Irish Members, having a majority against Orangemen, would not permit the Bill to pass [“*Hear*”].

Mr. *O'Loghlen* said, he had not expected such opposition. It had been objected to vesting, in the Lord Lieutenant and Privy Council, the power of choosing proper places for holding the assizes; and he did say, that he thought it was carrying party spirit too far to attribute the influence of partial feeling to such persons. There was a check upon them if they were disposed to act in that manner, because, without the consent of the Grand Juries of the county (who were composed of men not very likely to appoint inconvenient places for the assizes), they would not be enabled to carry this Bill into execution. He thought their objection, however, would come with better force in the Committee, when they would examine into the details, as this resolution was only intended to introduce the principles of the Bill.

Mr. *Ruthven* having expressed his disapprobation of the Privy Council of Ireland,

Leave was given.

Mr. *Hume* moved the adjournment of the House.

ORANGE LODGES (IRELAND).] Colonel *Verner* begged leave to make an explanation personal to himself. (After some opposition, the hon. Member was allowed to proceed.) He said, that an hon. Member opposite had objected to his being named as a Member of the Committee appointed the other night to inquire into the Orange Societies of Ireland. He did not clearly understand the nature of the objection, but he hoped it was not meant, by the hon. and learned Member, to cast any imputation upon his honour—for, though conscious of the purity and integrity of his own intentions, he could not allow even a supposed imputation to rest upon his character on the part of others. He was at a loss to know upon what occasion he had so misconducted himself, as to be pronounced, by the hon. Member for Tipperary, an improper person to take his place on that Committee. The only instance he recollected which afforded that hon. Member an opportunity of judging of his conduct was in a Committee last year, upon a subject which interested that hon. Member not a little, and he trusted the hon. and learned Member would do him the justice to say, that, upon that occasion, his conduct was not influenced by ungenerous or unfriendly feelings, and that he joined in the decision of that Committee as heartily as any Member belonging to it. He had had the honour to present a petition from the Grand Orange Lodge of Ireland, praying for an inquiry into the origin, nature, and principles of the Orange Institution. In the prayer of that petition he fully concurred; but he had hoped the inquiry would have been instituted before a fair and impartial tribunal—such, he must say, he could not consider the Committee appointed. He would repeat that that was not a fair tribunal—because some of its Members had already expressed themselves in such terms of the Orange Society, as to render them any thing but fair and impartial judges; and if the House would permit him to read one or two short extracts from the sentiments declared by some of the Members of that Committee, he had no doubt the House

would concur in opinion with him. The hon. member proceeded to read the following extracts:

Mr. Sheil said, in 1826, "We," the Catholic Association, an illegal body, "shall be masters of the representation of Ireland. We have already driven the faction out of their strong holds; and, improving upon our success—having acquired a confidence in our resources—having learned what union and organization can effect—we shall not have a single Orange representative in Ireland. Look, for example, to Louth—in forty-eight hours' notice we beat the whole Protestant aristocracy to the ground. I am not given to boasting, but this I may venture to assert—that, however unconnected with the county, I could, without any considerable exertion—nay, almost with the movement of my finger—have thrown Mr. Leslie Foster out of the county. I forbore to make any vigorous exertions against him, in the hope that he may turn the lesson which he has received to good account; but if he does not—if he is determined to bid defiance to the people—if he is dead to all admonition—he never shall represent Louth again."

Mr. O'Connell wrote a letter to Lord Duncannon on the 30th August, 1834, in which he said, speaking of the Orangemen, "Their souls are so hardened in guilt, and so accustomed to the avowed desire of practical cruelty, that they do not affect to conceal their wishes to render Ireland once more a desert, and to irrigate her plains with the blood of her inhabitants."

And again, in his letter "To the People of Ireland," dated 20th September, 1834:—"The Orange faction are, in point of intellect and understanding, the most deplorably degraded that ever excited the contempt or scorn of mankind." "Then, as to their moral qualities, what are they? The preaching up of wholesale proscription, massacre, and extermination. They call themselves Christians. They preach up doctrines almost too bad for the eternal enemy of mankind to suggest to human depravity. Bayonets and blood—bayonets and blood—form their texts and commentary. Their laymen vie with their parsons in ruthless atrocity; and it becomes doubtful which of the two are the more ready to preach rapine, murder, and desolation. The infernal spirit of religious persecution reigns over the whole, and renders the Irish Orangists the most depraved, as well as the most despicable of the human race."

He begged to assure the House, that his only reason for desiring to be a Member of any Committee appointed to inquire into the Orange system, would be a persuasion, that his knowledge of the society and his long standing in it, might be rendered serviceable to the objects of fair inquiry. As to the Committee now appointed, after what he had already stated,

he thought it almost unnecessary to say, that he strongly disapproved of its constitution; and that he could not expect from a tribunal, some of whose Members had expressed sentiments which actually made them parties in the trial, an unprejudiced inquiry or an impartial decision.

The question of adjournment agreed to.

HOUSE OF LORDS,

Friday, March 27, 1835.

MINUTES.] Bills. Read a third time:—Contempt in Equity (Ireland); Property in Infants (Ireland).

Petitions presented. By the Duke of ARGYLE, the Marquess of BUTE, and the Earl of ROSSLYN, from several Places, —for Protection to the Church of Scotland.—By Lord KENYON, from two Places, for the Repeal of the Malt Tax, and an Equalization of the Duty on Foreign Grain.—By the Duke of NORTHUMBERLAND, from North Durham, for Relief to the Agricultural Interest.—By the Earl of MURGRAVE, from three Places, against Tithes in Ireland.—By the Earl of FALMOUTH, from TRURO, for the Abolition of useless Oaths.—By Lord BROUGHAM, from a Unitarian Congregation, for Relief to the Dissenters.

THE NEW HOUSES OF PARLIAMENT.]

The Marquess of *Westminster* wished to put a question to the noble Duke, on the subject of the new Houses of Parliament. There was a rumour which had no doubt reached their Lordships' ears, as to what had been done by the Committee of both Houses, on the subject of the rebuilding of the Houses of Parliament. In his opinion, in a great national undertaking like this, all the architects of the country should be allowed to bring forward their plans. It had, however, been rumoured that the plan of one architect alone had been received, and that that plan was made under the direction of the Government. If that was the case, on what principle was it that their Lordships had appointed a Committee to examine plans? Such a Committee was of no use if only the plan of one architect was to be received.

The Duke of *Wellington* said, that it was true a plan had been sent in to the Committees, and had been laid before them; but he did not believe that the Committees had yet decided on the plan, nor did he know whether they were or were not satisfied with it, or whether they intended to call for any other plan. He believed that nothing had been decided, and that it was not yet known, except to the Committees themselves, whether the plan now sent in would be adopted or another called for.

The Marquess of *Lansdowne* said, so far from the matter being decided, the

Committees had told the architect who sent in the plan now referred to, that they received it only subject to consideration, and to their preference to any other plan that might be sent in.

DISSENTERS' MARRIAGES.] Lord *Brougham* presented a Petition from the Unitarians of Hull, on the subject of the claims of the Dissenters. He knew some of the names attached to this petition, and knew them to be most respectable. The petitioners stated, that they had often sought at their Lordships' hands, the extension of religious liberty in behalf of themselves and others, and they believed that the time was now rapidly arriving, when the Legislature would recognize, in the fullest manner, the rights of all classes of religion to civil equality. The petitioners stated the grievances of which they complained; among which were—an inequality of condition in civil respects—a subjection to the payment of Church-rates—and a bad system of registration, which, however, they admitted, was an evil that equally affected Churchmen and Dissenters. The lawyers all knew the truth of this complaint of the petitioners, and the difficulty consequent upon it in tracing titles; and all men acquainted with the subject, desired the evil to be remedied. The petitioners then complained of the Marriage-law; and urged that, in any change that was made, they should be put upon the same footing as Churchmen; so that, with regard to both, marriage should be a civil, or a civil and a religious contract. He hoped that no impolitic distinction would be allowed to prevail in this case. His opinion was, that every measure was to be rejected on principle—as contrary to justice to the Dissenters—as contrary to the policy of the law—as pernicious in itself—as pernicious with regard to all the relations of life—and as unjust both to the Churchman and the Dissenter—that should make any distinction in the marriage contract, declaring it to be of a nature civil only with respect to one class, and civil and religious with respect to another. He trusted that the wisdom of Parliament would remedy such an error, and make it purely civil, or civil and religious, as respected all denominations whatever.

Petition laid on the Table.

HOUSE OF COMMONS,

Friday, March 27, 1835.

MINUTES.] Bill. Read a third time:—Witnesses' Indemnity. Petitions presented. By Mr. BOLING, from Bolton, for a Remission of the Sentence on the Agricultural Labourers.—By Mr. W. S. O'BRIEN, from Knockan, against Tithes.—By Mr. W. DUNCOMBE, from six Places, for Relief to the Agricultural Interest.—By Mr. HOPE JOHNSTONE, and other HON. MEMBERS, from a Number of Places,—for Protection to the Church of Scotland.—By Sir ANDREW AGNEW, from Argyle and Carrickfergus, in favour of, and by Mr. HARVEY, from Market Gardeners, against the Sabbath Observance Bill.—By Mr. ABEL SMITH, from Hitching, and by Lord GEORGE LENNOX, Mr. LEE LEE, and others, from several Places,—against the Ecclesiastical Courts' Bill.—By Mr. GILLON and Dr. BOWRING, from two Places,—for Vote by Ballot.—By Mr. GILLON, from several Places—for Abolishing the Window Tax; from the Handloom Weavers of several Places, for Relief, and for a Board of Trade.—By Mr. BALFOUR, Major C. BRUCE, from Inverness, and a great Number of Places for Protection to the Church of Scotland.—By Sir WILLIAM TRELAWNEY, from Liskeard, for a Repeal of the Additional Duty on Spirit Licences.

INTIMIDATION AT ELECTIONS.] Dr. *Bowring* rose to present a Petition, signed by 3,000 inhabitants of the borough of Blackburn, complaining of practices that had taken place at the election for that borough. He had given notice of his intention to present this petition, that the Members for Blackburn, particularly the hon. Member on the Bench above him (Mr. Turner), might be in their places. If the effect of this petition should be to deliver the town of Blackburn from the oppression and the abominations which had been practised there at the last election, he should be in the highest degree gratified. Much did he owe to a large portion of the constituency and to the inhabitants of that town, for the kind and generous affection which, on many occasions, had been exhibited towards him, which had led him through two severely contested elections without the outlay of a single shilling; and which claimed from him every effort to prevent the influx of a deluge of corruption, and the iron-handed despotism of oppressive power. If he could rescue them from such evils, he should make them some not inadequate return for their unbought, un bribed devotion to the cause of Reform. At all events, he would say, that if such practices were to be allowed there, and elsewhere, as had accompanied the two elections, the elective franchise, instead of being a boon and a blessing to the new boroughs erected under the Reform Bill, would be a curse and a calamity. When the hon. Member first appeared, how was his advent welcomed—how, but by the

profuse introduction of the beer barrel—rolled even into the church-yard, and spilt upon the tombs of the forefathers of the place. Women and children were equally the victims of the hon. Gentleman's demoralizing intrusion—and so strong was the indignation excited, that a deputation, accompanied by a most respectable minister, waited upon him to implore that he would arrest the torrents of drunkenness, when with tears in his eyes the hon. Gentleman said he was sorry for such excesses, and would put a stop to them. But no! for on the occasion of the late election, the hon. Member carried the experiment further, and he not only attempted to pollute and corrupt but he had recourse to menaces. He (Dr. Bowring) had failed in his contest for that borough—it was most true—but no offended pride or wounded vanity influenced him—since the failure had been honourable to him, and had recommended him to a larger—and he might add, a purer and a nobler constituency. Yet he could not forget what he had witnessed—neither the terrorism and intimidation which had been exercised towards some nor the bribery and pollution which had depraved others. And such dangerous and despotic interference with the freedom of election which proved that it was the bounden duty of the House to provide some security for the free exercise of the elective franchise, so that it might not be in future what it was there now in reality—a scourge and a plague. The hon. Gentleman (Mr. Turner) had certain tenants in that borough. He now accused the hon. Member of having personally menaced them if they should vote for him (Dr. Bowring). He accused him of having personally insisted on the violation of promises, and of having extorted votes, not only for himself, but for his colleague, whose political principles were diametrically opposed to his own; for the other hon. Member had honestly come forward as a Conservative and a Tory, while he (Mr. Turner) had stood on the extreme of Radicalism—had pledged himself deeply to out-and-out Reformers—had swallowed Mr. Cobbet's propositions, and gone to the length of declaring, that he would vote for the adjustment of the National Debt. Now, indeed, he had changed places and principles, and acted under the inspiration of that zeal for Tory doctrines which becomes an earnest convert. On one occa-

sion, a tenant of the hon. Gentleman—a most honourable and conscientious man, applied to him (Dr. Bowring) stating, that though he approved of his (the hon. Member's) politics, he could not vote for any one who had swamped the place in drunkenness and immorality; but that he feared the consequences. He (Dr. Bowring) who, to say the truth, approved of the hon. Member's votes in the last Parliament, recommended him to vote for that gentleman. The elector did not—and what was the consequence? He received a letter, written not in a moment of excitation—not in the bustle of electioneering violence—but from Shrigley Park—the rural abode of the hon. Gentleman—dismissing him from his abode in these very words—"If I cannot have a friend for a tenant, I will not have an enemy." But, Sir, he was no enemy of the hon. Gentleman—no opposer of his politics—no adversary of any thing in his character, but his attempts to damage the public morals of the place he represents. Dr. Bowring said he knew that the menace had been withdrawn. The fear of public opprobrium had forced the hon. Gentleman to meditate awhile, and to retrace his steps. He (Dr. Bowring) knew that the hon. Gentleman might deny his participation in the scenes of riot and drunkenness that occurred—but he held in his hand irrefragable proofs—the bills of landlords and beer-sellers—unpaid as yet, but which were, notwithstanding, evidence irresistible of the means by which seats were obtained in Parliament, nor can the hon. Gentleman deny, that he publicly declared, he had never known money to fail, and that it should not fail to win his election. No less than forty-nine publicans had voted for the hon. Member (Mr. Turner), while only fourteen had voted for him (Dr. Bowring). To his own personal knowledge, in defiance of the acts of Parliament on the subject, the hon. Gentleman, after the writ was issued, opened several public-houses with a most liberal hand, and he could state from his own experience, for he had witnessed it with his own eyes, that children of fourteen and fifteen years of age received and drank a large number of glasses of brandy and water. [*Laughter.*] Hon. Members opposite might laugh, but it would become them more to ask themselves, whether it was by deeds like these, that wise men or good men qualified themselves to become

the lawgivers of nations. If the House valued the freedom of election—if it intended that Members should come there by honourable, and not by dishonourable, means—if it was intended that the intellect of the country, and not its profligacy, should be represented, it should adopt measures to prevent such proceedings as these. The hon. Member, after stating that the prayer of the petitioners was, that the system of open voting should be abolished, and the Vote by Ballot substituted, as the only remedy for such evils, concluded by moving, "That the Petition be referred to the Committee appointed to inquire into the means of preventing intimidation at elections."

Mr. *Turner* moved, that the petition be read, as he believed, that there was not an allegation in it either against his hon. colleague or himself.

The Petition having been read,

Mr. *Turner* said, that it now appeared that there was no allegation in it either against his hon. colleague or himself. If the hon. Member had let him know beforehand the contents of the petition, he should have been prepared to rebut every allegation contained in it; and if it were referred to a proper tribunal by that House, he should be ready to meet it. He thought that the hon. Member and his Friends would not come out of such an inquiry so immaculate as he would have the House believe they were. He was not himself present at Blackburn, until the day of nomination; and he had not canvassed a voter. With regard to the tenant alluded to by the hon. Member, he had not in fact asked him for his vote. That tenant wrote a note afterwards to him (Mr. *Turner*), stating that he had voted for the hon. Member (Dr. Bowring), because he was the losing candidate, and that he would have voted for him (Mr. *Turner*), if he had been in the same situation. That was the man he was said to have intimidated. He was sorry to trouble the House with these remarks; but he thought he was justified in making them after the manner in which the hon. Member had thought proper to allude to him.

Mr. *William Fielden* said, that this was rather a remarkable charge to prefer, the real fact being, that while the allegation, as far as the Friends and supporters of his hon. colleague and himself were concerned, was entirely unfounded, it applied most fully to the conduct of the

Friends and supporters of the hon. Gentleman, who created and fomented the utmost riot and turbulence during the election. He (Mr. Fielden) had never canvassed the borough of Blackburn until the last election. On the day of nomination the riotous proceedings of the hon. Gentleman's supporters were so violent, that he (Mr. Fielden) was obliged to go away, through the fear of personal injury. The military were obliged to be under arms, and so great was the excitement that the returning officer found it necessary to adjourn the poll. He would not take up the time of the House by going into a refutation in detail of the allegations in the petition. He denied the charges generally as applicable to his party or his supporters, and he could not avoid expressing his astonishment that such charges should come from the party really open to them.

‘Quis tulerit Gracchos de seditione querentes?’

The Petition was ordered to be referred to the Committee appointed to inquire into intimidation at elections.

CHURCH ESTABLISHMENT (IRELAND).] Lord *John Russell* said, that the right hon. Baronet, the Chancellor of the Exchequer having asked him the other day as to whether he would give him an outline of the Motion which he (Lord John Russell) meant to make on Monday next, the answer which he would then make was, that he was not prepared to pledge himself to any particular words, or not to vary the terms in which he declared his intention to move; but his present intention was, to move that the House should resolve itself into a Committee, for the purpose of taking into consideration the expediency of applying any of the surplus revenues of the Church of Ireland not required for the spiritual care of the Members of that Church, to the religious and moral instruction of all classes of the community.

The *Chancellor of the Exchequer*: May I ask the noble Lord, supposing the House should accede to his proposition, will he be prepared to produce a practical plan by which he will make that appropriation?

Lord *John Russell*: I do not feel myself bound to answer the question of the right hon. Baronet. When the House shall have resolved itself into a Committee

on Monday next, I shall then know what course I ought to take.

Mr. *Finch* begged to ask the noble Lord whether, by “religious instruction,” he meant to include the religious instruction of the Roman Catholics of Ireland in the principles of the Roman Catholic religion?

No answer was given.

MOLDAVIA AND WALLACHIA.] Colonel *Evans* said, he had noticed some intelligence published in the newspapers from Moldavia and Wallachia, and he therefore wished to ask whether Ministers had any information from that quarter. There was reason to believe that within a recent period an important correspondence had taken place connected with the relations between Turkey and Russia, and the interference of the latter with the affairs of the former, especially as regarded the two principalities he had named. It was also apprehended that the British trade had diminished in the Black Sea, in consequence of regulations adopted by Russia. He had seen some notices on this subject in the public prints, where, however, conclusions were drawn in which he did not concur. He wished to know whether Ministers had any objection to lay copies of such documents upon the table as particularly related to the nationality of Moldavia and Wallachia, granted by the treaty of Adrianople? He was also anxious to see any correspondence between this country and Turkey with reference to the designs of Russia. It was the more important that Parliament should have the earliest intelligence upon such subjects, in consequence of the peculiar situation of the present Government as regarded the House of Commons.

Lord *Mahon* complained that, according to the notice given to him of the hon. and gallant Member's intention to put a specific question, he had not supposed that he would have made so extended an inquiry. He hoped at present to be allowed to defer his answer, in order that he might take into consideration how far it was consistent with his duty to communicate to the House the information required. He would only add, that the whole of our relations with Russia was the subject of a projected Motion by an hon. Member, and perhaps he might postpone until then any farther explanation.

SUPPLY—ARMY ESTIMATES.] Mr. *Herries*, in moving the Order of the Day for the House resolving itself into a Committee of Supply, said he felt it incumbent on him, in the discharge of his duty with reference to the probable proceedings of that night, that he should briefly explain the circumstances under which it appeared to him quite necessary for the interests of the public service, that no delay should be proposed with regard to the Army Estimates. He presumed to make this statement from the fact of the two Motions standing for that day having immediate reference to this question—both, too, being calculated necessarily to postpone the consideration of the Estimates for the army. The first of these Motions to which he would allude, was that of the hon. Member for Middlesex, who proposed by it, that instead of bringing forward the discussion of the Estimates, they should at once be referred to a Select Committee up stairs, with reference to certain ulterior objects. The second Motion was that of the hon. Member for St. Alban's, which was more explicit and positive, for it proposed the postponement of the Army Estimates for the present; until, indeed, the House should have come to a decision upon the intended Motion of Lord John Russell respecting the Church in Ireland, on Monday next. He thought it right in moving the Order of the Day, as a preliminary step, to state to the House that their position in regard to the speedy termination of the financial year, and the expiration of the Mutiny Bill, rendered it a matter of the greatest importance that embarrassments in this particular should not be created. There were, as the House well knew, other matters pending their decision. Now, if the opportunity afforded that night were overlooked, there was every probability of a discussion on Monday next (for as they had been recently informed, a subject of the greatest importance would on that night be brought forward), when it could not be expected that the Army Estimates would be allowed to go on. So that between that and Friday next, no opportunity would present itself for proceeding with these Estimates. The financial year expired on the 31st, and if the Act were strictly adhered to, as it was intended to be when the new system was introduced—it would be impossible to carry on the public service with the present means,

The Mutiny Bill would expire on the 25th of April, but between the present period and that date would occur the Easter recess, for whatever might be the disposition of the House, still some interval must interpose. If, therefore, no other day were left open for proceeding to the consideration of the Army Estimates, it was his duty to point out to the House that the greatest possible embarrassment and public inconvenience might arise. He had thought it his duty to say thus much, in order that there might be no misapprehension on the subject; and the House must be aware that if the same course were adopted which was adopted on a former occasion with the navy Estimates, the consequences which he apprehended would be removed.

Mr. *Hume* was aware that every Motion for a Supply might to a certain degree be an impediment to the business of the Ministers, and ever since he had been a Member of the House he had found the Chancellor of the Exchequer and the heads of the different departments very anxious to obtain the Supplies as soon as possible. It, however, became the Representatives of the people not to place the public money at the disposal of the Ministers of the day without due discussion and strict attention to economy. The right hon. Gentleman had stated, almost by way of threat, that if the Supplies were not voted to night, the public service must stop; but, according to his own showing, the Mutiny Bill would not expire until the 25th of April, leaving a whole month for the removal of temporary impediments. He begged to state that there were some votes on which it was extremely difficult for a Select Committee to decide: he alluded principally to the question of the numerical force of the army employed at home and abroad. It appeared from evidence taken up stairs that the point was always settled by the King in Council on the suggestion and recommendation of the Minister for the Colonies; it was brought forward, therefore, on the responsibility of Ministers, and belonged more peculiarly to a Committee of the whole House, than to a Select Committee. It was a prerogative exercised by his Majesty, undoubtedly for the public good. But the question to which he had to direct attention was this—and he hoped the House would support him by its vote—whether, if it voted the supplies without inquiry, it was doing what it had pledged

itself to do? At least he had pledged himself to effect every possible reduction of expenditure, in order that there might be a corresponding reduction of taxation. The rule ought to be, that not one farthing should be voted until the Minister of the day had opened his plan, and explained his ways and means of meeting the expenditure. With that view he had put a question to the right hon. Baronet a short time ago, and the reply was, that he should pursue the old practice—that he should go on in the usual jog trot way, and get as much money as he could without thinking of the ways and means if he could but obtain the votes. He did not blame the right hon. Baronet for taking this course, if the House allowed him, and every Administration did its utmost to keep up the establishments upon the largest possible scale. One was as bad as another in this respect, and no reduction was made but upon compulsion, and that compulsion was the restlessness and uneasiness of the people under their burthens, which produced what might be called a pressure from without, felt by the Representatives, and through them felt by the House. It was considered by some unconstitutional language to talk of this pressure from without, but he thought it the legitimate means by which the people exercised a control over the proceedings of Parliament. If the community out of doors thought that certain taxes should be repealed, and certain establishments reduced, it was their duty to press their Representatives, the duty of the Representatives to press the House, and of the House to press the Ministers. The course this Session had been to take a vote of credit for the Navy Estimates, which were always put foremost as the most popular service—that force which the people of England would last be willing to diminish in a commercial as well as in a national point of view. They had been brought forward between ten and eleven o'clock at night, when it was two late for the Ministers to give in detail the reasons for the demand. The House was always led a good deal astray by the repeated statement of the Minister that it was impossible to make any reduction. Administration after Administration had asserted that the only available sum to which reduction could be applied was 15,000,000*l.* and that nothing could be taken from the half-pay, pensions, or superannuation allowances. They amounted,

in round numbers, to 5,000,000*l.* a year; but so far from being incapable of reduction, if the House did its duty and made proper inquiries how the half-pay had been kept up to its present amount for the last sixteen or seventeen years, it would be found that large reductions might and ought to be made in it. Promotion in the army had been carried on to a great extent, without considering that every new appointment saddled the country with an annuity on an average of from twelve to fourteen years, and in most of the recent cases, where very young men had obtained commissions, the average was increased to sixteen or eighteen years. Looking at the Guards, he saw that the Queen's pages had recently received Commissions without purchase, and it ought to be recollected that every Commission was between 2,000*l.* and 3,000*l.* out of the pocket of the public. It could not be denied that through the various Finance Committees great and important reductions had been effected, and he believed that the evidence of the present right hon. Secretary for Ireland, among others, had occasioned several economical changes. There were circumstances connected with the half-pay list which he would throw out for the consideration of his Majesty's Government, and on which, sooner or later, questions of great importance must arise. Four years ago, in consequence of information furnished to the proper quarter, it appeared that the pensions of privates and others had increased amazingly. In consequence of that information it was found that many persons had obtained pensions for ten years previous under false suppositions. This fact appeared on the evidence of the Secretary at War, and it became a serious question whether it ought not to have led to an investigation of the mode in which many officers obtained commissions in the army and navy. As they had derived great benefits from the former inquiry, there was little doubt but that similar results would flow from the appointment of a Committee at the present time. He intended that the Committee he proposed to have appointed should have liberty to recommend consolidation in several establishments. That this was not only practicable, but incumbent, would appear from the statement with which he would trespass on the House. It appeared from the last balance-sheet of the public accounts, that the public

burthens which cannot be removed or reduced without either a fall in the interest of the debt or the expiration of the terminable annuities, amount to not less than 28,500,000*l.* Besides this, there is 21,000,000*l.* for the public establishments, including the civil list, half-pay &c. This includes 3,800,000*l.* for the collection of the revenue; 2,000,000*l.* for the civil list, pensions, the salaries of the judges, &c.; and the expenses of the army, navy, and ordnance, which together with the miscellaneous, were not less than 14,000,000*l.* He would therefore call the attention of the House to the expenditure of the Army and Ordnance with a view to showing how a saving could be effected in that branch of the expenditure. He did not intend to make any allusions to the expenditure of the Navy at present. The Army Estimates this year amounted to 5,700,000*l.* and the Ordnance to 1,497,059*l.*, which together made nearly 7,200,000*l.* for the military expenditure. The question he had to put to the House was, could any means be adopted by which the civil departments of the Army and Ordnance could be consolidated, with the view of making a saving in the charge for management? These two services were apparently intimately connected and mixed up together, and he had heard many experienced military men declare that such an arrangement would be for the advantage of the public service; he thought it would be highly beneficial if in their civil departments they were united. He believed that it would be admitted by all, that it would be impossible that any public establishment could be carried on with regard to economy unless a controlling power existed and was exercised. With respect to our military establishments, it appeared to him that the requisite control was altogether wanting. It appeared on investigation before the Finance Committee that a large part of the public expenditure was not properly checked, because there was not sufficient controlling power to keep in check the heads of establishments; for each department was anxious to keep up its importance by maintaining as large an expenditure as possible. During the war the expenditure in many departments had been raised to as high a pitch as possible, and had continued in some of them in spite of the remonstrances of the higher authorities whom the House regarded as responsible.

If there was one subject more than another that appeared perfectly clear to the Finance Committee, it was, that one person should have the power of checking the expenditure, and should be made responsible, and that the First Lord of the Treasury was the person who ought to exercise this control over the heads of departments. As he saw the right hon. Member for Cumberland about to leave the House, he would make a few observations relative to the changes made by him relative to the Navy. The Finance Committee had declared, that the then system of carrying on the Administration of the Navy, by means of the Board of Admiralty and Navy Board—one being, in some degree, independent of the other—was injurious to the public service. The right hon. Baronet (Sir James Graham), when First Lord of the Admiralty, directed his attention to this, and determined to make a junction of the departments, and concentrate the whole management of the Navy under one authority—namely, the Admiralty Board. He succeeded in carrying his plan into effect, by which he effected a considerable reduction of expenditure, and, at the same time, rendered the service more efficient. The savings effected by the right hon. Baronet amounted to not less than 1,300,000*l.* a year. Much of this saving had been effected by reducing the quantity of stores, but a great deal had also resulted from the junction of the civil establishments of the navy. It was stated by the right hon. Baronet, when he brought forward his plan, that the conflicting opinions of the heads of the two Boards had, in consequence of a difference of opinion prevailing between them, on some occasions led to injury to the public service, to a greater expenditure than would otherwise be required, and also to much waste of labour. The plan of the right hon. Baronet was objected to by those who had preceded him in office, as likely to lessen the efficiency of the Navy, and be deeply injurious to the public service. The right hon. Baronet, however, took upon himself the responsibility of the change, and the result had shown, instead of the melancholy prognostications of the opponents of the plan being true, that not only a most material saving was brought about, but that our Naval establishment was rendered more efficient by the plan. The right hon. Baronet deserved high praise for the

change he had introduced, and by which means a reduction had been made in the Navy Estimates of nearly one-fourth the former amount. He could not help expressing his hope that equal advantages would result from the consolidation of the Army and Ordnance departments. He did not, however, go so far as to ask the House to sanction a junction of the two branches of the service, or to call upon Ministers to take steps with that view, he merely demanded inquiry, and certainly no harm could result from granting that. He was satisfied that if a Committee were appointed it would recommend the union of some of the departments, as tending to promote the public service. Before he proceeded to allude to the present Ordnance Estimates he wished to make some observations with respect to the practice which had prevailed, with reference to the civil administration of the Army, since the commencement of the last war. Previously, the Secretary-at-War exercised considerable power over the Army, and superintended the general arrangements. Since, however, the Duke of York became Commander-in-Chief, who gradually aggrandized the power of that office, the control of the Secretary-at-War had been diminished. The latter who was responsible to the King and the House, was the proper officer to conduct and superintend the affairs of the Army, and yet the power, without the responsibility, had been transferred to the Commander-in-chief. He should be glad to have a Committee up stairs, before which the right hon. Member for Dundee (Sir Henry Parnell), the Member for Nottingham (Sir John Hobhouse), and the Member for Coventry (Mr. Ellice), might be examined as to the relative duties of the offices they lately filled. He considered the continuance of the office of Commander-in-chief, in its present form, as opposed to all reduction and economy. He was not a responsible officer, and yet the power of keeping up the army mainly depended on him. He said so with confidence, because he had read it in the evidence given before the Committee last year, and also because he had heard the right hon. Member for Coventry make a declaration nearly to the same effect. When asked why the recommendations of the Committee were not carried into effect respecting the reduction of the duration of appointments on the staff, the

right hon. Member had alluded to the objections from the Commander-in-chief's office as the chief reason. At present all appointments connected with the Adjutant-general's office, or the Quarter Master-general's office lasted for a number of years. The Committee recommended that changes should be effected in the staff of the army once in three or four years, as was the case with respect to naval appointments. By this means a greater number of officers would be called into service than was at present the case; and it would also be more advantageous for the service, as a greater number of efficient officers would be ready in case their services should be necessary in any exigency. This plan was opposed by the Commander-in-chief, and the other authorities at the Horse Guards, and was not carried into effect. He might be in error, but he believed he was correct in saying that the Commander-in-chief performed some of the duties for the execution of which the Secretary at War was alone responsible. He was convinced that until the office of Commander-in-chief in the army was put on the same footing as that of an Admiral of the fleet—namely, completely under the control of the Admiralty Board—those reductions which were so desirable, and which were so loudly called for in our military expenditure, could not be carried into effect. No reductions of consequence could be made until the expenditure was placed under proper control. The object of his Motion was to refer the Army and Ordnance Estimates to a Committee up stairs, constituted in a similar manner to the Finance Committee, which could have the proper officers brought before it for examination, and the best evidence that could be adduced might be brought forward as to the advantage of joining the army and artillery under one superior control. The Ordnance Estimates might be divided into two heads, the military and the store-keeper's department; and in the Estimates for the present year, there was a third head, which occasioned a slight increase of the expenditure, and which had lately been very properly transferred from the Treasury, he meant the Commissariat Department; he did not intend to allude to this at present. It appeared to him desirable that the present Board of Ordnance should be entirely reduced, and a very different arrangement made. If the change which he

urged was adopted, the savings under the two heads of Ordnance expenditure might be reduced, if not several hundred thousand, at least several thousand pounds. He proposed that the artillery and engineers should form an integral part of the army, as they did in every other part of the world. He believed, that a great portion of the staff of every other army in Europe was composed of a number of engineer officers, but in England, the officers connected with the scientific branch of the service were seldom promoted to the staff for which their previous education would apparently so well fit them, because they were unknown to the Commander-in-chief, and were not under his orders. In consequence of this, the two most important branches of the service—the Artillery and Engineers—had had great injury done them. If these bodies were placed under the Commander-in-chief, the Ordnance would have nothing to attend to but the receipt and expenditure of stores. A Board, having the control of military stores, should be extremely simple in its nature, and might be formed of military officers who were already amply paid for their services, and who had a great deal of time to spare, and who would, therefore, gladly give their services in the superintendence of the Ordnance; and by this means a great saving would be effected. He objected also to the constitution of the Paymaster's office which ought to be got rid of entirely. Hon. Gentlemen might naturally expect that all the payments were made through this office, whereas the greater part of the money was actually paid by others and it was merely an office of account. The Paymaster of the Forces had merely to receive and exchange the warrants from the Secretary at War for the payment of the troops, and return orders on the Bank of England for the amount. All the money issues were by the Secretary at War, who not only originated the grants, but who audited them. The Paymaster of the Forces had no control whatever in the actual expenditure; therefore he complained of this office, which was maintained at an expense—including retired allowances—of 25,226*l*. The greater portion of the Army pay was distributed by the Army Agents, who, when they obtained the order from the Pay-office, presented it at the Bank and received the money. As far as control over the expen-

diture was concerned, it would be just as well to throw up the Pay-office, and for the Secretary at War to give orders to the Army agents to receive the money at the Bank. Thus the Secretary at War might give his order to Messrs. Cox and Greenwood, or any other agent, to go to the Bank for the money, instead of their having to go to the office of the Paymaster of the Forces, where an order on the Bank of England was given for the amount required. This order was not given by the Paymaster of the Forces himself, but by one of the clerks in the office. One of the evils of the present system was, that there was no efficient check, for one of the clerks might make an order on the Bank for a large sum, and receive the amount, and get away before the fraud was discovered. He did not mean to say, that there was the slightest probability of this taking place; but what he complained of was, that there did not appear to be an efficient check to prevent such an occurrence. He complained that Paymastership had never been an efficient office for auditing the large expenditure of the army, and therefore, in its present form, it should be got rid of. It appeared, also, that if it were an efficient pay-office, its expense was far too great, for while the payments made through Cox and Greenwood's house were done at a charge of seven-eighths per cent, the present expense of the Paymaster of the Force's office was nearly 19,000*l*.; that was for merely exchanging the warrants for the pay of the regiments, and for the half-pay. He had no hesitation in saying, that not only no inconvenience would result from doing away with this department altogether, but that the public service would be promoted by it, and that also it would lead to a considerable saving of expenditure. The expense of the Pay-office was equal to a charge of 2*l*. 3*s*. 6*d*. per cent, on the money which ought, under a better system to go through their hands; whereas it was clear, from the allowance to Cox and Greenwood, that it might be done at seven-eighths per cent. Nobody would deny that the payment of the troops could be effected at the charge now made by the army-agents. He saw no reason why the business now done in the Adjutant-general's office, the Quartermaster-general's office, and the Pay-office might not be carried on in one office under one roof. There was no doubt in his mind that by

the junction of these offices a saving might be effected to the amount of, from thirty-two to 35,000*l*. Then, again, the expenditure of the Army and Ordnance was enormous. In 1835-36, the Ordnance Estimates—leaving for the present the charge for the Commissariat out of the question—was 1,335,976*l*.

Sir *Charles D'Albiac* rose to order. He submitted that the hon. Member was not justified on a Motion respecting the Army Estimates, in going into an examination of the Ordnance Estimates.

The *Speaker* observed, that as he understood the hon. Member rose to move, as an Amendment to the Motion for a Committee of Supply, that the Ordnance and Army Estimates should be referred to a Select Committee, it appeared to him, that the hon. Member was not out of order.

Mr. *Hume* was surprised that an officer of so much experience as the gallant General, should not see the object he (Mr. Hume) had in view, in the observations he had addressed to the House. He knew the gallant General entertained different opinions on the subject of the Army Establishment from his, and he was therefore anxious to show the gallant General how imperfect a view he took of the subject. He repeated, the money to be voted for the Ordnance service this year was 1,335,976*l*. Of this sum 584,947*l*. was issued by Messrs. Cox and Greenwood, for the pay of the artillery, engineers, and superannuation allowances. The amount of the charge for their agency was about 3,150*l*., which was included in the last sum. The next head of expenditure, the establishments at Woolwich, was 5,124*l*. The next charge was 178,717*l*. for Ordnance works in various parts of the world, including engineers' pay and charge for superintendence. The next vote was 256,997*l*. for barracks and barrack-masters. The next vote was for the purchase of artillery, clothing, &c. Ordnance stores, great coats for the Army, and building materials, amounting to 100,273*l*. The charge for miscellaneous expenses was 79,454*l*. The salaries to the Board of Ordnance were 10,000*l*. and the salaries, &c. to clerks, 120,464*l*., making together 130,464*l*. He contended that these Estimates might be greatly reduced. As he had before stated, if they took the portion of the Ordnance Estimates paid by Cox and Greenwood, it would be found that very nearly 600,000*l*. was

annually paid to, and distributed by, them to the artillery and engineers at a charge of seven-eighths per cent, while the expense of the Ordnance-office was twenty-one per cent, on the whole expenditure. It appeared that it was part of the duty of the clerks at the Ordnance-office to audit the accounts of Cox and Greenwood; now he would at once remove this to the War-office, where the duty would be done quite as efficiently as at present; he would also place the artillery and engineers under the control of the Commander-in-chief, as any other portion of the Army. This might be done at a very small additional expense to the Commander-in-chief's office. The charge for ordnance works and repairs in various parts of the world for the present year was 178,717*l*., and a considerable sum was expended in the pay of the engineer-officers, that superintended them. All ordnance works were done under the inspection of engineer-officers, who, while they were employed received double pay. Altogether the charge was 18½ per cent. on the outlay. There was no work under civil officers, however important, that might not be carried on at from four to five per cent. The right hon. Member for Dundee had called for accounts before the Finance Committee, with a view of showing the enormous charge for superintendence in all branches of our military expenditure, but those returns had not been furnished. He found similar extravagance to that to which he had just directed the attention of the House in other charges of the present Estimates. For the erection of barracks the country was called upon to pay on the outlay fifteen per cent. more than the most eminent architect would require. Again, an immense quantity of stores were kept which never could be used. This practice was objectionable, not only because of the needless outlay of much money in the first instance, which cost the country yearly interest to a very considerable amount, but also because of the perishable nature of these articles. This was particularly obvious with respect to harness and leather, which always was deteriorating in value. On a late occasion the stores on hand were valued and found to be worth 158,000*l*., on which, by being kept for so many years, it appeared the country had lost in interest not less than 154,000*l*., making a total of 312,000*l*.

The greater part of these stores had since been sold at an enormous loss to the country. He totally objected to a store department as unnecessary, because every article of use now in store could be procured on much better terms from the contractors, who were anxious to enter into competition for the supply. The total amount of the expense incurred in rent and civil salaries to officers engaged in this absurd system of keeping necessities in stores was 44,000*l.* a-year, all of which expense he would show, in a Committee above stairs, was totally unnecessary. It should be, in his opinion, conducted and managed by the responsible head of the military government of the country.—Taking together the expenses of the civil departments of the Ordnance and Stores in England, Scotland, and Ireland, he found they amounted to the enormous sum yearly of 130,464*l.* Surely this expense would never be tolerated if a Select Committee were appointed to inquire into the expenditure of this part of our system. They had been, he well recollected, told when the Finance Committee was last appointed by the then Government, that all possible attention should be paid to its recommendations and suggestions; but shortly after, when the right hon. Baronet was in office, under the Duke of Wellington, the House was informed that, notwithstanding the progress that Committee had made in collecting evidence which was now forthcoming, despite of the late fire, in the shape of three or four thick volumes, there was no necessity for continuing the labours of that Committee, and the right hon. Baronet declined actually to re-appoint the Committee. The consequence was, that the House and the public lost the obvious advantage they might expect from having an opinion delivered on each of the subjects *seriatim*, upon which they had collected with so much care, volumes of very important information. He would once for all say that the true test of that House having that control or not which it was so desirable for the interests of the community it should possess, was, that the power of inquiry should be centered in that House. He would contend that the present system was injurious; that the control which the Commander-in-Chief exercised over the civil department of the army should be discontinued, and that the Secretary at War, or some responsible officer of the

Crown in the House, should be answerable for whatever changes or appointments took place in these departments. The House knew there was continual complaints at present by the Commander-in-Chief of the interference of the Secretary at War with his department, while the latter as loudly complained of the occasional interference of the former. If the Motion which he should now make were acceded to, he felt convinced he could show to the Committee a mode of consolidating the civil department of the Ordnance with that of the Army, so as to produce a saving to the country of not less than 300,000*l.* a-year. With these views he should move as an Amendment—"To refer Army and Ordnance Estimates to a Select Committee, to consider of the expediency and practicability of consolidating some of the military and civil departments of the Army and Ordnance, with a view to diminish the expense of those establishments, and to provide a more efficient control over military expense."

The Amendment having been put by the *Speaker*,

Lord John Russell rose and said, he was ready to vote for the Motion of the hon. Gentleman, so far as its object was to appoint a Select Committee to consider the expediency of consolidating the civil departments of the Army and the Ordnance. Many Members of the late Government having taken into consideration that question, thought it most advisable to adopt a more efficient control over the military expenditure; and they were also of opinion that it would never be effectually done till one person was charged with the responsibility. The Members of the late Government being of that opinion, a commission was appointed by his Majesty, of which his hon. Friend, the Member for Coventry was one, himself was another, and the Duke of Richmond was a third, who took a leading part. The Commissioners instituted inquiries with regard to the practicability of the different plans suggested. There were many objections and many recommendations started, all of which were duly considered; and as far as the evidence went, he must say, the opinion he had entertained was not shaken, that it would be far better that there were one officer, whether the Secretary of the War Department, or the Secretary of State, or a President of the Army Board, who should be able to come down to the

House and state, on his own responsibility, that he had recommended such an expenditure, and that he was accountable for it. When he looked at the present way in which the Army was governed—when he saw that the Secretary at War interfered with the Commander-in-Chief, and the Commander-in-Chief interfered with the Secretary at War—that the Board of Ordnance exercised a power separate from either department—that military officers were obliged to go to the several heads of the different departments—and, lastly, when he took into consideration the great superabundance of stores, which, he believed, at the time of the appointment of the commission was estimated at seven millions. He, with many others, did think that these evils might be remedied, and that their correction would lead to a better administration of the affairs of the army. At the same time it was not his opinion, nor did he think it was the opinion of any of the members of the Commission, that the military command invested in the Commander-in-chief for the purpose of preserving military discipline, should be weakened. The Commission, however, never adopted any definite opinion. He did not think it completed its inquiries when the Duke of Richmond resigned office. The right hon. Gentleman opposite (the Secretary for Ireland), who was most competent to offer an opinion on the plan, and to go into the details of the subject, had not been examined, and this fact alone appeared to him to afford sufficient proof that the evidence had not been completed. The Commission, then, having closed without making any report, or bringing the evidence to a conclusion, he still thought this a proper subject for inquiry, either by the Government itself, if it were disposed to undertake such an investigation, or by a Select Committee of that House. Taking this view of the Question, he was not disposed to refer the Army and Ordnance Estimates to a Select Committee, but he should be prepared to vote for a Select Committee of the nature of that of which the hon. Gentleman spoke, if he confined his Motion to that. He took the liberty, however, of suggesting to the hon. Gentleman that it was not advisable for him to press his Motion this evening on account of the statement made by the right hon. Gentleman the Secretary at War. The course of their present pro-

ceedings was certainly no fault of this Parliament—it was not their fault that they were getting somewhat too near to the period when the Mutiny Bill would expire, for them at present to enter into the discussion of any other subject. He should have no objection to going into a Committee of Supply, and taking the vote of a certain number of men. If the hon. Gentleman persisted in his Motion, he should vote for it; but he begged to suggest to the hon. Gentleman, that it would always be in his power to bring forward his Motion, which was another reason why he hoped the hon. Gentleman would feel no objection to withdraw it on the present occasion.

Lord Stanley concurred in almost every thing that had fallen from his noble Friend and would join him in expressing a hope that the hon. Member for Middlesex would withdraw his Motion. He differed with his noble Friend on one point only, viz. the course he should pursue this evening would not be directed by the course which might be taken by the noble Lord. If the hon. Member for Middlesex persisted in his Motion, he should consider it his duty to divide against him, but if he postponed it, and brought it forward hereafter, in the form of a substantive Motion, and did not bring it forward as a Motion for stopping the Supplies, or preventing the passing of the Mutiny Bill, then he should be ready to consider that it was a Question well worthy the consideration of the House, and, also, that great and extensive reductions might be made, not only without injuring, but with benefit to the interests of the country. He regretted that the Commission had not brought its inquiries to an end before the close of last Session, because he felt that this was a Question that it was much better to leave in the hands of the Executive, aided by a Commission, than to refer to the investigation of the House. He was, therefore, glad to learn that the Government prepared to follow up the inquiries instituted last Session, with a view to realizing the objects contemplated by the late Government, if it were found practicable, viz. the consolidation of the various civil Departments of the Army and the Ordnance. He was glad the Government were prepared to act upon that view; but if it should turn out that they were not, and the hon. Member for Middlesex, on another occasion, thought fit to move that a Select Com-

mittee be appointed to take into consideration the evidence that had been given before the Commission, and to receive and report on such other evidence as might be obtainable, he should not only give no opposition to such a Motion, but, as far as he could, should be ready to afford him every support. He did hope that the hon. Member, after the strong opinion which the right hon. Gentleman had expressed, as to the importance to the service of the vote of this evening not being delayed, would consent for the present to withdraw his motion; and he trusted that, if the hon. Gentleman did so, the House would see the propriety of abstaining from any further discussion of a Question which would be much better argued hereafter.

The *Chancellor of the Exchequer* said, he thought that the House upon all similar occasions to the present, had always been in the habit, whatever might have been the feeling of hon. Members, and however strong their objections to the political principles of the Government, disposed to show that consideration which was due to the circumstances under which a Government was called upon to administer the affairs of the public. And when the House recollected that the present Government undertook the functions of the Administration in December last, that they then found many questions remaining unsettled; the English Tithe Question was unsettled; the Irish Tithe Question was unsettled; the Dissenters' Marriage Question was unsettled; the state of Canada was unsettled—he might say, untouched—the Ministers having on all those questions to form a deliberate judgment, the House would not be surprised if there should be some matters which they had not taken into consideration. The Ministers had applied themselves to the serious consideration of those matters which had appeared to them to be the most pressing, and it would be for the House to say, whether they approved of the measures or not which were the result of the deliberation of the Ministers. He was sure they could not fairly say, that Government had been remiss in submitting measures to Parliament. The noble Lord had, in effect, said it was the fault of Government having dissolved Parliament, that the business of the country had not been proceeded with; this he totally dissented from. He would ask whether, on the days that were appro-

riated for the Committee of Supply, they had not been constantly obstructed?—whether almost every day usually appropriated for that Committee—whether there had not been some Motion or other made as an Amendment on the Motion for a Committee of Supply? Two notices of Motions as Amendments, had been given for that very day. The hon. Member for St. Alban's (Mr. Ward) had given notice of a Motion for to-day, for postponing the vote on the Army Estimates, till after the vote on Monday night. He hoped the hon. Member would persevere with that Motion; he believed it stood for to-night. Was it to come on after the hon. Member for Middlesex's Motion had been disposed of? He would take for granted that it was; he hoped it was, because he thought that that would be a fair and legitimate course by which the House could signify, whether they would or would not permit the Government to continue in the conduct of public affairs. He had never had greater anxiety than he had had with respect to these repeated notices. Notice was given on one day that the Navy Estimates should be postponed, on the express ground that the House had no confidence in the Ministers; on the other, that the Army Estimates should be postponed for the same reason; and when last night he saw the notice of the Motion that the Army Estimates should be postponed till a vote was taken on the noble Lord's Motion, he did not then entertain a doubt that at last a decision would be irrevocably come to, and that the House would come fairly to the question whether it would allow a vote to be taken for the number of men, or whether it would insist on the postponement of the business of the House, from want of confidence in Government. He did hope that a Motion so recently, so deliberately announced, as that of last night—announced, too, by one who had taken, as he was entitled to take, so prominent a part in connexion with the Irish Church—on the question whether or not they were prepared to postpone voting the number of men required, till after the decision of Monday next—he did hope that, considering the position in which they stood, that hon. Member having deliberately given notice of that Motion, was prepared fairly to bring it under the consideration of the House. The conduct of Government in calling Parliament together on the 19th of February, instead of the

4th or 5th, as the noble Lord (Lord John Russell) and his colleagues did in the preceding year, was not, as had been represented, the real cause of the delay which had taken place in the arrangement of the public business. It was owing to the exercise of that right—that extreme right—which he was ready to admit hon. Members possessed, of moving as Amendments to the Motion for going into Committees of Supply, Resolutions which certainly had no immediate connexion with the supply vote. The time had at length arrived when it was necessary for the House to determine whether or no they would allow further obstructions to be thrown in the way of the public service. On the 25th of April, the Mutiny Act would expire. They had, therefore, the power either by direct Motion, or by factious obstructions, to prevent the public business from being proceeded with. He hoped, from a regard to the character of the House of Commons, the course they would take would be a manly and straightforward course. If they brought forward irrelevant Motions for the sake of postponing the necessary business of the country, it became them to consider how far that was compatible with the dignity of the House, and the advantage of the public service, and if they were determined to submit a Motion of want of confidence, let the House know the grounds on which they proposed it. To waste the time of the House by long and tedious debates and frivolous Motions, was not a fair and legitimate course of opposition. It was a fair and legitimate course of hostility, for the House of Commons to declare “We have no confidence in your Government, and we will not intrust you with any vote or control of money,” and “never,” said the right hon. Baronet, “did I pant for any Motion as I do for that, and I am careless what the issue of it may be.” That was the fair and legitimate course of opposition for the House of Commons to take; but it was not fair to leave the Ministers in doubt as to what were the intentions of the House, making it impossible for them to fulfil those intentions, by opposing obstructions, through causes which it was impossible adequately to meet, and the motives of which the public could not very well understand. The House was aware, that the financial year would close on the 1st of April; the Ministers had proposed the estimates,

and the Mutiny Act would expire on the 25th of April; if, then, a want of confidence in the Executive Government, induced the House to withhold the Supplies, let them say so; not by a factious opposition, but by a distinct vote. To postpone the Supplies, was, perhaps, not a factious course; but the indirect course, giving notice of Motions to withhold Supplies, withdrawing them, and granting Supplies, substantially implying confidence in the Government, certainly appeared like faction. If, instead of adopting such a course, the House of Commons had applied itself to the consideration of the estimates on previous nights, although it did not meet till the 19th of February, instead of the 4th or 5th, there would have been sufficient time for the complete discussion of the subject. He was afraid the hon. Gentleman was not going to divide on the Motion, which was to this effect—that the Army and Ordnance Estimates should be referred to a Committee. A notice to that effect was given by the hon. Gentleman, but he had now made a qualification. He did not mean to find fault with it. On the contrary, the hon. Member had exercised a legitimate and sound discretion; but he now was willing to concede the number of men, the responsibility properly resting on the Executive. He (the Chancellor of the Exchequer) had formerly contested that point with the hon. Member, on the subject of the Navy Estimates, maintaining that Government ought to determine and regulate the amount of naval force required; but the hon. Member at that time did not agree to his proposition. On reflection, however, the hon. Member had altered his Motion, and that wisely. It was not a mere technical matter—the grand, plain, intelligible, rational ground, was this—the Executive Government commanded means of information, which the House of Commons, and no Select Committee, could have access to; and, acting on their own proper responsibility, their constitutional province was to propose the amount of force which the exigencies of the public service required. That was the ground on which the force was proposed. They were not to acquiesce in it because the forms referred it to the Privy Council. He would not accept of the hon. Gentleman’s compromise, on that understanding. It did not rest with them, as an executive and responsible body, to propose the force;

it rested with that body which was known to the strict letter of the Constitution, was known to the House of Commons, forming the Cabinet Council called by his Majesty to render him the necessary assistance in the Executive Department of the State, and responsible for the manner in which they exercised their powers. The hon. Gentleman, therefore, wisely and justly now said, that the proposal of that force should be left with the Executive Government. Not that their proposal should be conclusive on the House of Commons, for if it appeared larger than the necessities of the public service required, that House would only be performing its proper functions, not by delegating them to a Select Committee of twenty-five of its Members, but by distinctly avowing to the Executive Government, that it was not satisfied with the estimate made, and the grounds on which the force was demanded. The hon. Gentleman then proposed to forego inquiry into the amount of the force, and made a proposal to this effect, that the rest of the Army Estimates, and the whole of the Ordnance Estimates, should be referred to a Select Committee. But, notwithstanding the exception of the amount of military force from the inquiry of the Committee, he could not adopt the suggestions of the hon. Gentleman. He never could consent to refer the remainder of the Army, and the whole of the Ordnance Estimates, to any Select Committee. If this were to be done in the present case, it ought to be done every year, and he, for one, would never consent to establish the precedent of withdrawing those estimates from the annual revision of the House of Commons, when every Member was called on by his duty to his constituents to take a part in that revision, and transfer them to a Committee up-stairs, where, as the right hon. Baronet (Sir J. Graham) justly said, "If a Government wanted to slur over an objectionable vote, or make an imperfect explanation, they would have a much better opportunity of doing it in a Committee, where the public scrutiny was not let in, where there was no irregular perhaps, but still very coercive, report of their debates and proceedings." If a Government, he said, wanted to screen objectionable votes from inquiry, let them send them up to a Select Committee, exercising an influence in its formation, and establish thereby the fatal precedent of withdrawing those votes for ever from the jurisdiction

of the Committee of the whole House.—He would not, therefore, consent to the amended Motion of the hon. Gentleman. But then came a third proposition, whether they would consent to the appointment of a Committee for the purpose of inquiring into certain matters connected with the civil administration of the Ordnance and Army Departments. It was exceedingly difficult to draw precisely the line where Committees ought to be granted and where they should be resisted by the House, for it was easy to make a plausible proposition to the appointment of a Committee upon every matter connected with the public interests. There was no office with respect to which it might not be said, where is the objection to appoint a Committee. Ten different gentlemen might appoint ten different Committees with respect to ten different departments, declaring that "Two Secretaries of State would do the business of three, and three Lords of the Admiralty do the business of five; reason will be heard in a Committee, and they will determine whether or no it will not be better to make a reduction of the whole. If you establish a good case see what advantage you will have, because, reason being heard, and evidence adduced, you may be enabled greatly to reduce your establishments." They might say that of every possible department. But the real Question was, whether there should not be made out a sufficient *prima facie* case; and he thought the House would agree with him that the general arguments which they had heard in favour of all sorts of possible reductions did not establish a sufficient ground to induce him to consent in the present instance to the appointment of a Committee. To illustrate this, he would observe that the noble Lord the Member for Devonshire, proposed that a Committee should be appointed to inquire, whether or not the office of Commander-in-Chief might not, in point of fact, be virtually abolished, and his power transferred to the Secretary at War. Now, he would not consent to a Committee for the purpose of considering that Question;—he would not consent to transfer the military administration of the army to a civil officer;—he would not consent to abrogate the civil duties of the Commander-in-Chief.—[Lord John Russell. I did not refer to any civil duties performed by the Commander-in-Chief.] One of the noble

Lord's objections was, that the Secretary-at-War interfered with the Commander-in-Chief, and that the Commander-in-Chief interfered with the Secretary-at-War. Now this must be an interference with respect to civil duties. As to the duties of the Secretary-at-War, then, who might be a civilian, and who had civil duties connected with his office, he was not prepared to say that a Committee should be appointed, in order to dissociate those duties from those of the Commander-in-Chief. The remaining Question was this—whether he (Sir R. Peel) would undertake, on the part of the Crown, to consent to a Committee of the House of Commons to inquire into the amalgamation of the civil departments of the army and the ordnance, or to the appointment of a Commission for the purpose. He believed that he might now refer to what he had hitherto not thought himself entitled to refer to—the communication which the noble Lord (Russell) had been good enough to make with respect to the result of an inquiry instituted by the late Government. He did not think that he should have been called on to discuss that Question, and the reason why he had alluded to the multifarious duties which had been devolved on the present Government was this—that considering the early meeting of Parliament after their appointment, many matters must have escaped that serious and attentive consideration to which they were entitled. It was only last night that the noble Lord (Russell) complained that he (Sir R. Peel) was not prepared, having opposed the admission of Dissenters to the Universities, to propose a scheme by which, admitting the principle, admitting the reasonableness of their expectations, the one and the other could be carried practically into effect. He admitted the principle, he said, but could not pledge himself to a measure with respect to the details of which he had had no opportunity of deliberately making up his mind. Now, he had no hesitation or shame in admitting that he had not given to that subject that full consideration which it deserved. He was ready to give a similar answer to the proposition of the hon. Member for Middlesex. At the same time, he must say that he did not see any necessary connection which that proposition had with the vote of Supply. What ground could a refusal be for opposition? Allowing that it were right to grant a

Committee, or appoint a Commission, what connexion had the doing so with the Army and Ordnance Estimates? If he refused either or both, let the hon. Gentleman take the fair course; let him give notice of a Motion on the subject for a future day,—let it come fully and fairly before the House,—let the evidence of its necessity be made apparent,—but let him not raise an opposition to a Question of public business, which was as foreign from the Question as one thing could be from another. If, after reading all the evidence given before the late Commission,—if, after considering the Question in all its bearings, he stated to the House and the hon. Gentleman, that he did not deem it necessary to assent to his proposition,—then let the hon. Gentleman take the course he thought proper in reference to it. He had no other answer to give the hon. Gentleman. He could not, until those conditions had been complied with, accede to his proposition. Whatever might occur, he would never, while he had the honour to be a Minister of the Crown, consent to establish a bad precedent to escape from a temporary difficulty. He would make no pledge—he would give no promise beyond this—that the subject should have his best consideration; and if, on a future day, the hon. Member brought forward a Motion on the subject, he should be prepared to meet it, in whatever way he might deem most advantageous for the service of the State.

Mr. *Ellice* said, that nothing could be more reasonable than the right hon. Baronet's proposition, and upon the understanding that he would turn his attention to the subject with the view of considering whether, consistently with his public duty, a Committee of Inquiry, or a Commission should be appointed on the subject, he was not disposed to press him further on the present occasion, and would recommend the hon. Member for Middlesex to withdraw his Motion. But in the former part of the right hon. Baronet's speech, certain matters were introduced, which really had very little reference to the proposition with which he concluded; and it was impossible for those who were connected with the late Government, or with the late Parliament, to hear those taunts without telling the right hon. Baronet, in the face of the country, that his situation was one of his own choosing, and for which he was responsible. If the

public time, therefore, had been wasted, and the public expectations disappointed. With respect to measures on various interesting points which were under the consideration of the Government, which preceded the present Ministers, the right hon. Baronet was responsible for that delay, because, if he himself was not on the spot at the time that the late Ministry were dismissed, his colleagues, who were in power before his arrival, had advised their dismissal, and as the right hon. Baronet had taken office, he was responsible for all that had taken place. When they called for measures, he was ready to admit that it would not be fair for any one placed in the right hon. Baronet's situation to be called on, as in ordinary circumstances, to bring forward measures of any description without the means of attentive and considerate inquiry. But the Dissenters' Marriage Bill, the University Bill, and a number of other Bills, had all been under the investigation of the late Government; and if the right hon. Gentleman had not saved them the trouble of bringing them forward, they would have been introduced in a House of Commons, too, which had the power of carrying them into effect. When that Government was dismissed, and that Parliament was dissolved, what was the state of the country? The late Government, as far as they had heard anything of the subject, had not been found fault with for any act on any public ground; they were dismissed at a moment's notice by an act of caprice, on the advice of the noble Duke, in a manner for which no precedent was to be found in the history of the country. By this movement the entire mass of measures of public improvement which was in process of digestion, was completely impeded, and the public business thrown back for an incalculable period. Next came the dismissal of the Parliament. A Parliament which never refused a vote of credit to the King; a Parliament which enjoyed the confidence of the people—a Parliament which was not impugned. That Parliament was dismissed—not because of its incompetency to do justice to the country—but because it would not suit the political views of the right hon. Baronet and his party; and because they expected by its dissolution to be supplied with another adverse to those measures of improvement which the former were anxious to carry into operation. He did not wish to have

alluded to these topics, had not the right hon. Baronet (the Chancellor of the Exchequer) done so. Let him tell him, that when he comes to the House, he is not sure of its assistance to get through votes essential to the public service. Looking to the emergency, some course ought to be taken satisfactory to the country. He was not prepared to take the course proposed by his hon. Friend (Mr. Hume); but in differing from that, he did not mean to express the slightest confidence in the Government. The right hon. Baronet was an old practitioner, and pressed the question of want of confidence in the Government on the House, when they were called upon to vote for means to support the army. The moment for that vote would come. The vote before the House was no vote of confidence. He would ask his hon. Friends to permit the votes for the Army Estimates to proceed. They were necessary for the service of his Majesty, for whoever held the Government, and without them they could not pay the officers and soldiers. The last thing he would ask would be, not to do anything that would imply the least confidence in the Government. Hon. Gentlemen on the Ministerial side of the House said, that was factious. As he had some experience, he could recollect that what was then called faction on their the (Opposition side of the House), was not considered so on the 21st of February last year; for on the Question, that the Speaker do leave the Chair on a Committee of Supply, he recollected that a noble Marquess (the Marquess of Chandos) brought forward a Motion on agricultural distress, that had much less reference to the subject before the House than the present Motion. He believed the right hon. the Secretary-at-War (Mr. Herries) made a Motion on the Timber-duties, when the Question of the Ordnance Estimates was before the House. [Mr. Herries: Never.] He had no distinct recollection on the subject. [Laughter.] The right hon. Gentlemen opposite were perfectly welcome to their cheers, but it had been suggested by some hon. Gentleman behind him. There was, however, no occasion to go into these matters. It would, if the Motion were then withdrawn as not pressing, be the duty of the hon. Member for Middlesex (Mr. Hume) to bring it forward the first opportunity. With respect to the Motion itself before the House, he

could assure the right hon. Gentleman opposite, that his (Mr. Ellice's) mind was as unsettled as his own upon the subject of separating the civil from the military functions of the Secretary-at-War and the Commander-in-Chief, and he had a decided objection to a separation between the Engineers and the Artillery. But, after all, the question must come and be finally settled where the control over the military expenditure of the country shall be placed. He would not now say anything on the subject, or whether that control ought to rest with the Commander-in-Chief or the Board of Ordnance, as the responsible hands. With respect to the Army Estimates themselves, there were only two parts of them to which objection had been made, namely the Staff of the Horse-Guards, and some allowances to the Foot-Guards. Upon these subjects he should be most happy to give his best assistance to the right hon. Gentleman opposite, in bringing them to a satisfactory issue. As to the Staff, there was one point to which he wished to allude. It was his opinion, that all officers should be eligible, and have an equal chance of succeeding to the Staff appointments by rotation; but as those appointments at present stood, they were a perfect monopoly in the hands of only a few officers, many of whom held them for a number of years. There was one appointment of this kind which he knew had been held by the same individual for twenty-two years, and he could the more fairly allude to this monopoly inasmuch as it was held by a friend of his own. The alteration which he suggested upon this subject did not come from himself; it was the recommendation of the Committee that had been appointed to inquire into the matter that this alteration should be made. With respect to the Ordnance Department, it was notorious, that one-half of the Ordnance stores that had been most wantonly collected, were perfectly useless; and if they could not be sold for anything it would be far better to give them away than to keep them any longer. It had not been his intention to trouble the House at all on this occasion, had it not been for some of the observations that fell from the right hon. Baronet opposite. He would recommend his hon. Friend (Mr. Hume) to give a fresh notice of his Motion for a future day, so that the right hon. Baronet opposite might have sufficient time to give it

all due consideration. The present was not an occasion in which the House could show its want of confidence in his Majesty's Ministers, however strongly they might feel that want; because the House could never think of disturbing the whole military system of the country by refusing to renew the Mutiny Act, or by hesitating to vote the necessary Supplies for paying the soldiers. Before many days elapsed the House would have plenty of opportunities of showing what degree of confidence his Majesty's Ministers possessed from it. The sort of confidence they possessed had already been shown of late in some instances. It seemed that on any question brought before the House, whatever might be the subject, it only required the opposition of his Majesty's Ministers to insure its being carried. How a Government might exist, while night after night, it was left in minorities, was a problem that yet remained to be solved by the right hon. Gentleman opposite. The Question of the Irish Church must be settled, and the right hon. Gentleman would then see what confidence was placed in him by the House or the country.

Mr. *Herries* said, that as he considered that all the observations of the hon. Gentleman opposite had been so well answered already by those who had preceded him, he hoped the House would permit him without further delay, to proceed with that portion of the public business which it was his duty to bring before it. He should not follow the right hon. Gentleman who had last spoken through all the topics in which he had indulged, nor should he attempt to equal the warmth which that right hon. Gentleman had displayed in any vindication of his Majesty's Ministers from the crimination in which the right hon. Gentleman had endeavoured to involve them, but would at once proceed to prosecute the business before the House. Towards the close of the right hon. Gentleman's observations, he had adopted a cooler and a better course, and in that course alone he (Mr. *Herries*) was disposed to follow him. He should only advert to one charge that had been made against himself individually by the right hon. Gentleman. He meant that of having last year interrupted the Ordnance Estimates by some Motion about timber. He could assure his right hon. Friend, if he would allow him so to call him, that he never was guilty of that interruption. He certainly

did on one occasion of the sort introduce a Motion on the subject of the Russian-Dutch loan; but he did so with the full consent of the Members of the Government whom he had spoken to on the subject. He should on the present occasion avoid all political topics, not because he was disposed to shrink from those topics through any fear of not being able to answer the charges of the right hon. Gentleman, but because he deemed it most prudent and convenient for the public service to refrain from noticing them. He hoped he might conclude from what had passed, that the hon. Member for Middlesex did not now intend to persevere in his Motion, and he was to understand that the hon. Member acquiesced in the advice that had been given to him?

Mr. *Hume* said, he would not allow anything that had fallen from the right hon. Baronet opposite to influence him in the course which he intended to take. He hoped he should see the day when every one of the public estimates would undergo the most minute investigation elsewhere before they were submitted to that House. As some of his friends, however, had expressed an opinion adverse to his pressing the present question to a division on this occasion, he acknowledged that he felt bound to give up or rather to postpone the step which at first he had contemplated taking, at the same time that he had not in the least altered his opinion as to the expediency of referring the Estimates to a Committee, and at the proper time he should again submit a Motion to the House having that object in view—probably that day week he might bring the matter under the consideration of the House. He hoped therefore, that the right hon. Baronet would not oppose his bringing it forward as a substantive question on that day week, or on some other early day.

The *Chancellor of the Exchequer* observed in reference to the promise of which the hon. Member had spoken, that he had merely said he would read with the greatest attention the Report of the Committee of that House, and the evidence given before it, and that he would afterwards with the least possible delay inform the hon. Gentleman of the course which his Majesty's Government intended to pursue—whether they thought that no disturbance of the present system should take place, or whether they were willing

to appoint a Commission for the purpose of considering the subject. If the hon. Gentleman were not satisfied, then he would have an opportunity of making his proposition. With reference to the day on which he might bring it forward, he (the Chancellor of the Exchequer) would only observe that, looking to the debate which was coming on next Monday, and considering that that must of necessity be an adjourned debate, he hoped the hon. Gentleman would see the propriety of postponing it for a short time.

Mr. *Ward* said, he should not interfere with the present vote, and he should state frankly the grounds upon which his opposition to the estimates was founded, grounds quite apart from anything like a feeling of factious opposition, at the same time that in reference to the question of the amount of the army he did entertain a strong feeling, and he believed that if a different system were adopted with regard to Ireland, we might dispense with a considerable portion of our military force. Believing, then, that such a change of system as he contemplated would render the present numerical strength of the army not necessary, he would give no Government the means of supporting by military force that system, their disapprobation of which he trusted the House of Commons would deliberately place upon record. Though determined to oppose the estimates on the bringing up of the Report, he should not for the present further interfere.

The House resolved itself into a Committee.

Mr. *Herries* rose to move the first vote on the Army Estimates, before which he wished to make a few observations. The Committee, he presumed, must be perfectly aware that owing to the peculiar circumstances under which the present Government came into office, and owing to the recency of the period at which their access took place, there was not time for them to enter upon any revision of the estimates. It was his full conviction that even as the estimates stood, they were as much reduced as they could be, due regard being had to the interests of the public service; but still he begged it to be understood that the estimates were those of the last rather than of the present Government. He made this observation, however, without any wish to divest himself of the responsibility

which properly attached to this office, nor did he for a moment mean to say, that though the estimates were founded upon the arrangements of the preceding Government, the present Administration were not as fully responsible for them as if they had been for years in office. He could not conclude this observation without giving the late Government full credit for much that was advantageous in the estimates then before the Committee. He wished also to call the attention of the House to the fact that those estimates were the result of several revisions of the condition of the Army; the whole subject, as hon. Members must know, had been more than once under the consideration of Committees of that House—the whole military expenditure of the country having been referred to several Committees, and many suggestions of great value were made, in consequence of which many improvements were effected, not only with respect to the diminution of the number of men employed, but as to the improved regulation of the finances. To all the changes contemplated by the late Government full attention had been paid by the present Government with a view to carry every practicable and useful suggestion into full effect. He felt bound also to state that very great care had been bestowed on the work of revision by several of his predecessors in the office which he had now the honour to hold, and it was no more than justice that he should bear testimony to the great capacity and indefatigable industry with which a right hon. Friend of his, who formerly filled the office of Secretary-at-War, and now filled the office of Chief Secretary to the Lord-lieutenant of Ireland, devoted himself to the duties of that situation, and the extraordinary skill and success with which he applied himself to the great object of effecting useful alterations. Of course the first consideration which must occupy the attention of the House would be the total number of men who were to compose the army during the ensuing year, and after as complete an examination of the subject, as the short time he had been in office allowed, he did not hesitate to say it could not be reduced below the amount contained in the vote then before him, and which he proposed to put into the hands of the Chairman; it would be for 81,268 men, feeling, as he did, perfectly satisfied that the numerical force of the army

could not be reduced below that standard. And here he might take occasion to observe, that it was not intended so much to reduce the number of companies as the number of men in each company. He hoped hon. Members were so well acquainted with the merits of the present discussion as not to render it necessary for him to enter into any lengthened arguments for the purpose of showing that with a smaller number of men it would be impossible for this country to maintain tranquillity in its extended dominions. In every part of those dominions exceedingly severe duties were imposed upon British soldiers, even with the large establishments which we were compelled to keep up. As at present constituted, our army spent by far the greater portion of its time in our foreign possessions; the British soldier was exiled ten years out of every fourteen, and he need scarcely suggest to the Committee the severity with which that must be felt; yet he could assure the House that every effort was made to reduce the garrisons abroad to the lowest possible point. To all the suggestions of the Committee of last year the closest attention had been paid. For all these reasons he did not anticipate any objection to the amount of force proposed. If there should be any objection raised, either to that vote or any other, he was perfectly ready to enter into details, but he felt it perfectly unnecessary to trouble the House with any further preliminary observations, and should therefore move that it was the opinion of that Committee that a number of men, not less than 81,268, be employed as his Majesty's land forces during the year 1835.

Sir *Samuel Whalley* said, he should be extremely sorry if there were to be no objections to such a vote made by some hon. Members at this side of the House. Not one of the objections which he entertained to the vote was in the least obviated; for, in his opinion, much of what the right hon. Gentleman opposite had said, afforded arguments in favour of reduction rather than in support of the present large amount at which it was intended to maintain a standing army. He felt bound, therefore, to get up for the purpose of entering his solemn protest against the maintenance of a standing army of 81,000 men in time of peace, and he did this the more earnestly when he recollected that one-fourth of that force was employed, not for the purpose of garrisoning our colonies, or protecting

the country from foreign invasion, but for the support of a vast Protestant establishment in Ireland. [*Cries of "Oh! oh! oh!"*] Hon. Members might cry "Oh!" "Ah!" and go through all the letters of the alphabet; but their doing so would not alter the state of the facts. There were 22,000 men for Ireland, and they were not there for the purpose of repressing agrarian disturbance, but for the purpose of assisting the clergy to collect their tithes. As a Member of that House, he felt bound to vote against such a sum for the maintenance of 20,000 tithe proctors: it was, therefore, his full hope and expectation that the numbers would be diminished by 10,000 at the least. Those, he had no hesitation in acknowledging, were his views: nevertheless, he should not do anything to impede the payment of the soldiers now employed, for that was of course indispensable. His chief object in rising was to protest against the maintenance of such an army in time of peace as an act of great criminality. When the House decided the question of the Established Church in Ireland, they would, at the same time, decide the question, whether 8,000,000 of men were to be kept down by a standing army.

Colonel Conolly said, that of all the extravagant assertions which he had ever heard, one of the most extravagant was that which the hon. Gentleman had made—that a standing army was kept up in Ireland to sustain a number of tithe-proctors, when he knew that in the course of last week his Majesty's Government had declared their intention of abolishing tithes and composition for tithes. The hon. Gentleman was, he believed, present on that occasion; and how, with the knowledge of that fact, he could suppose that the people of England, to whom he seemed to appeal, could swallow a statement so totally destitute of foundation—so utterly at variance with the fact, he was at a loss to imagine.

Major Beauclerk said, he should certainly move a reduction in the proposed vote, as he should also have done if the Whig Administration had been in office. He believed that the settlement of the Irish Church Question would leave a large amount of troops at our disposal; for there was now a much larger number employed in Ireland than could be necessary. When he bore in mind the large addition which had been made to the police in Ireland,

as also to the police in London, and the contemplated addition in the large towns of England, he was sure the House would agree with him in the expediency of reducing the number by 6,000 or 7,000 men. They had been sent to that House for the purpose of reducing the taxation which oppressed their constituents; it was impossible to keep up large establishments and at the same time reduce taxation: he felt it his duty, therefore, to endeavour to diminish our establishments as much as possible. The mode of reduction which he would suggest for the army, was that of striking off a certain number of cavalry regiments, which were seldom sent abroad except to India, and were only kept up at home for parade and show. He was well aware that it was necessary to have some troops in large towns to guard against riots; but the experience of the disturbances in Paris in 1830 sufficiently showed that for that purpose cavalry were quite inefficient. One regiment of cavalry, it was known, was maintained at double the expense of a regiment of the line. He begged leave to move that the number of land forces for the ensuing year should be reduced to 75,000 men.

The Amendment having been put,

Sir Henry Parnell said, that the present question was only one of individual opinion. That of the present Secretary-at-War and the late Secretary-at-War might be in favour of this vote, but he had had opportunities of examining all the documents, and entertaining all the necessary considerations when he was Secretary-at-War, and he had come to the deliberate decision that so great a number of men was not necessary. He had found that 74,000 had sufficed—why then vote 7,000 more now? Had any circumstances arisen to make an increased number necessary? He would undertake to show before a Committee of the whole House, that no such circumstance had arisen. Since 1825 there had been a great increase of force in the country. In 1825, there was no police force in Ireland, there were now 27,000 armed troops, and 8,000 police. There were now 7,000 police in London. Therefore, he said, these were strong facts—facts that ought to carry great weight in the House of Commons—and he hoped that House would not go on voting away such a sum of money till they had some conviction that it was necessary. He was satisfied that there was a universal con-

viction throughout the country that the army was too numerous, he, therefore, took that opportunity of saying, it was clear that if the country wished to be relieved from any large amount of its present taxation, that House must look more carefully into those large votes which were passed every Session, and institute a more minute inquiry into the details. He must also tell the constituencies that those who came before them for their votes should not be supported, unless they promised to use their efforts to reduce the taxation of the country by reducing the Army.

Sir *Charles Dalbiac* declared his intention of supporting the present vote. He did not think that the present strength of the Army could be reduced without injury to the interests of the British empire. He protested against the question involved in the proposed vote being considered a military one. He would, however paradoxical it might appear, appeal to the hon. Members for the city of London, in the confident hope that they would admit this to be, not a military, but a commercial question. The question for the House to consider, in coming to any conclusion on the proposed vote, was, whether the polity, commerce, trade, and manufactures of the country were to be maintained in their present state; and whether it was expedient that we should continue to keep under the control of the Government our colonies and foreign dominions? Believing, as he did, that the number of the forces abroad was no greater than was absolutely necessary to preserve the colonies, and that the number of our troops at home was no more than was absolutely necessary for the protection of property, and the maintenance of the public peace, he was of opinion that any reduction would tend materially to injure the efficiency of the public service.

Mr. *Charles Buller* could never be induced to take the opinion of a military man with respect to the limit to which reduction might be carried. He was of opinion that there was too large a number of troops kept up in Ireland and in the colonies; and he trusted, that, as it was, he believed, the opinion of the majority of the House, that a reduction in our land forces should take place, the majority on that occasion would be composed, not merely of those strenuous advocates of economy, who sat upon his (Mr. Buller's) side of the House, but that there should

be also found amongst the number voting for the amendment of the hon. Member for East Surrey, some of those "inspired" Gentlemen, who, being pledged to a Repeal of the Malt-tax, stated their inability to comply with their promises, on the ground that it was impossible to make such a reduction in the revenue without leaving the necessary expenditure of the country unprovided for. Several hon. Members were ready to prove, that the number of men in the army could be safely diminished. Those hon. Gentlemen, then, who were desirous for a Repeal of the Malt-tax, ought to avail themselves of the opportunity which was then presented of making such a reduction as would enable them to meet part, at least, of the wishes of their constituents.

Colonel *Chatterton* was convinced, that no reduction beyond that which was effected by the late Government could be safely made in the number of men belonging to the cavalry regiments.

Mr. *Gillon* observed, that a reduction might be effected if the regiments of guards and cavalry were to go in rotation to the colonies with the infantry regiments. He was of opinion, that in consequence of the increase in the police force of late years, a diminution in the numbers of those regiments, as well as of the troops stationed in Ireland and the colonies, might be safely effected.

Colonel *Evans* said, that when the number of the police force and marines was taken into consideration, there were more men by 20,000 maintained now, than were required for several years after the peace. The right hon. Gentlemen (Mr. Herries) was bound to give some explanation to show that so large a force was necessary, before the House could consent to allow such a number as that proposed to be voted. He should have felt compelled, by the dictates of his judgment, and in accordance with his duty as a representative, to sanction an amendment calling for a large reduction in the army; but when that moved by the hon. Member for East Surrey, only required a diminution of 6,000 men upon the number proposed to be voted, he (Colonel Evans) could not, for an instant, hesitate to give that proposition his cordial support. He trusted that all those hon. Members who wished to deprive the Government of the means of perpetuating a bad system, would vote for the amendment.

General *Sharpe* contended, that if we intended to keep up our present dominion, we must keep up our present force, or do that which he supposed the hon. Member for Middlesex would not be willing to consent to—namely, to make a great increase in the “dead weight;” for if they reduced the army by a large number, they must increase the amount of half-pay and superannuation allowances for those men disbanded. Having as great a desire to reduce the expenses of the country, as his hon. and gallant Friend, the Member for Westminster, he would still object to the reduction of a single man of our military force, unless there was to be a reduction in the extent of our colonies. Looking at the whole of the case, he did not think he should act honestly if he did not oppose the amendment.

Mr. *Warburton* said, that there was one species of information necessary to be obtained from the Government before the House could form any exact judgment upon the question of the amount of colonial force really required to be kept up. He therefore would ask the right hon. Secretary opposite, whether, if he were to move for an annual list of the number of persons who had died, or who had been put upon the invalid establishment from the colonial service during the last four years, the right hon. Secretary was prepared to furnish the return, for from that document a fair average per centage might be drawn of the number of casualties in the colonial service, and it might be ascertained whether the duties of the military there had, as was alleged, really increased of late years. This was the real method of trying the arguments urged for the maintenance of the present amount of the force, and he would be contented to abide by it; but often as these returns had been asked for, they had never yet been granted.

Sir *Henry Hardinge* said, that it was by no means either prudent or desirable, that the mortality or the sickness which occurred in the colonies amongst the military forces should be exposed to the public eye; and for that reason he supposed the returns now asked for had never yet been granted. The King's service must be performed, and the publication of such a document might render it a matter of much greater difficulty than it now was, to get men to serve in the colonies, unless the rate of pay was increased in proportion to the danger of the service—a mode of ob-

taining men to which no one would more strongly object, than the hon. Member opposite. He must say, that he entirely concurred in what had been said by the hon. and gallant Member (General *Sharpe*) The hon. and gallant Member for Westminster was a Member of the Committee on Colonial Expenditure, and he ought to be as well aware, as he himself was, that there was not a single case yet brought before the Committee, in which it could be shown that the amount of force maintained exceeded that which was necessary for the safety of each colony.

Mr. *Hume* asked, why it was, that a much larger military force should be kept up at present than had been considered necessary for several years. Why should we have 5,000 men more in our colonies now, than we had for many years since the peace? Were not some of the colonies overlaid with troops? What was the use of 2,500 men in Nova Scotia, which was perfectly quiet? Why, even in Canada a force was kept up, exceeding in number the whole of the troops maintained by the United States along the full extent of their frontier, on which they had for enemies the native tribes of America; whilst in Canada there were no enemies to look after, or to keep in awe, but only British subjects, who would be well affected, if they were but well treated. Why not call upon the fourteen regiments of cavalry to serve occasionally abroad? Including seamen, marines, artillery, cavalry, and infantry, the country would be burthened with the support of not less than 150,000 men. He would support the amendment of his hon. Friend, though he himself should be disposed to go much farther. One objection to that amendment would not have been made, if hon. Members had voted for the reduction of the malt-tax. If that reduction in taxation to the amount of 5,000,000*l.* had been made, there was no doubt that a much larger reduction in the number of troops than that now sought for would have been given without asking. Why were they to have more military in England now, than in the years from 1819 to 1822 inclusive? The regular police was equivalent to at least 10,000 military. He would beg to ask the right hon. Baronet to state some reason why we should now have so large a military force, when we had a police force which rendered the intervention of military force so much less necessary in the metropolis. What

circumstances existed in the internal state of the country, or in our foreign relations, which required such a large military establishment as that now proposed in time of peace? If he looked at home, or to our colonies, he saw nothing in them which called for such a force as was now proposed. The colonies ought to be made, as they were well able, to support the troops required for their defence. In Ireland, before the French war, there never were more than 9,000 troops; and, if the tithe question were once settled, 12,000 or 13,000 men would be amply sufficient there. An army was now kept up there principally to maintain a system of exaction. The country presented the appearance of a garrison. With respect to the colonies, he believed, that with judicious management, the mortality of the troops there might be greatly diminished. All the reduction now asked for was merely a cessation of recruiting.

Mr. *Herries* said, that the right hon. Member for Dundee should have favoured the House with the grounds which had induced him, when in office, to form the opinion that a very large reduction of the forces was practicable. He had not stated those grounds, and other right hon. Gentlemen who had possessed the same opportunities as himself of inquiring into the subject, had not been able to arrive at the same conclusion. The right hon. Gentlemen who succeeded him as Secretary of War, were surely not less anxious to make every possible reduction in the expenses of the public service, and yet neither the right hon. Baronet opposite (Sir J. C. Hobhouse), nor the right hon. Member for Coventry (Mr. Ellice) had ever introduced any proposition of the kind. The only reason (if such it could be called) which had been put forward by the right hon. Member for Dundee, was, that some years ago, the amount of forces was less than at present. Now he would go back as far as 1818, and then he found that the number of men was 94,847, being fourteen thousand more than the vote for the ensuing year. In 1819, the number was 92,000, and in 1820, 92,224. In 1821, it was reduced to 81,000. In the subsequent years 1823, 1824, and 1825, the amount was considerably reduced. If these were the years to which the right hon. Member for Dundee referred as a standard for trying what proportion of numbers should be voted, he would beg

to ask him, whether the experiment of that extreme reduction was not a total failure? It was notorious that the experiment of diminishing the army, which was pressed upon the Government by the hon. Member for Middlesex, caused an increase of expense to the country, inasmuch as it was absolutely necessary, after a trial of two years, to re-establish the previous number of men. Here was a fact which was superior to any argument the hon. Member could produce. But the hon. Member was fond of referring to the establishment kept up in 1792. He would take that year, and compare the amount of force for the colonies as compared with that of the present year. In 1792, in all the colonies which we then possessed, and which we still possessed, the number of troops kept up was 15,100 men, and in the same colonies, at the present day, we had 16,687 men—a small excess, considering the increased importance of some of our colonies since; but in New South Wales—a colony which increased immensely in its population, its commerce, and its importance to the mother-country, there had been an increase of 1,500; and if they deducted this from the 16,685, it would leave only a very small difference between the number in our colonies in 1792, and those of the present time. Every year since the peace, the Government had tried to reduce the expense down to the *minimum* which might be consistent with the efficiency of the public service, and he was fully convinced that the proposed force of the present year was not more than the service required.

Mr. *Henry Grattan* said, Gentlemen on the other side were Englishmen contending for the power of their country: he was an Irishman, contending for the liberties of his country. If they went to the history of Ireland, they would find that, at the very time when they were afraid of doing what they did now, they had only 4,000 men in Ireland. In Lord Townshend's government in 1782, 4,000 men had been found sufficient to bear alone the whole burden of the management of Ireland—so that they reduced the army to 4,000. And in 1792, it was one of the charges brought against the Duke of Portland, that he had left Ireland with 4,000 men. And why could not they govern Ireland with 4,000 men now? [*Oh! Oh!*] Hon. Gentlemen might say, "Oh," as they had frequently done before, but

that was not the proper way of answering an argument. Whenever a man went to Ireland, whether it were to elections, or tithe-gathering, in town or country, he was sure to meet soldiers, and nothing but soldiers. There was at that moment a larger force in Ireland, than they had in India: for in Ireland there were 22,000 troops, 7,000 police, 2,000 city of Dublin armed forces, and 500 militia, making, in the whole, 31,500. And why was that? Because they had lost the affections of the people. They had not only got a military, but a police force, which was worse: the pay of a policeman was 1s. 8d.: of a soldier 1s. The police force cost 300,000*l.*—while they could keep up 1,000 troops for 30,000*l.* He humbly submitted, therefore, that Government would be obliged to reduce—for it was impossible to apply such long-exploded principles to Ireland. If hon. Gentlemen wished to reduce the Window-tax and the Malt-tax, let them reduce the army: and if they reduced the army, they must conciliate the people of Ireland.

The Committee divided on the Amendment: Ayes 101; Noes 255—Majority 154.

List of the Ayes.

Aglionby, H. A.	Evans, Colonel
Bagshaw, J.	Ewart, W.
Barnard, E. G.	Ferguson, Robert
Barron, W.	Fergus, J.
Barry, G. S.	Fielden, J.
Bewes, T.	Finn, W. F.
Biddulph, M.	Gaskell, D.
Blake, M. J.	Grattan, H.
Bodkin, J. J.	Grattan, J.
Bowes, John	Grote, G.
Bowring, Dr.	Hall, B.
Brady, D. C.	Hawes, B.
Bridgeman, H.	Hawkins, J. H.
Brocklehurst, John	Hector, C. J.
Brodie, W. B.	Hindley, C.
Brotherton, J.	Hodges, T. L.
Bulwer, H. L.	Hodges, T.
Buller, C.	Hutt, W.
Butler, Hon. Col.	Hume, Joseph
Chalmers, S.	Kemp, T. R.
Chichester, J. P. B.	Kennedy, James
Clay, W.	King, Bolton
Collier, J.	Lister, C.
Conyngham, Lord A.	McCance, J.
Crawford, W. S.	Mangles, J.
Divett, E.	Marshall, W.
Dennistoun, Alex.	Marsland, H.
Duncombe, T. S.	Mullins, F. W.
Dykes, F. L. B.	Musgrave, Sir R.
Etwall, R.	O'Brien, C.
Euston, Lord	O'Connell, J.
Evans, G.	O'Connell, M. J.

O'Connell, M.	Stewart, R.
O'Connor, Don.	Strutt, E.
O'Dwyer, A. C.	Tancred, H. W.
O'Loghlen, Mr.	Thornley, T.
Oswald, J.	Tooke, W.
Palmer, General	Trelawney, Sir W.
Parrott, J.	Troubridge, Sir T.
Parnell, Sir H.	Tulk, C. A.
Pattison, J.	Villiers, C. P.
Pease, J.	Wakley, T.
Phillips, M.	Wallace, R.
Potter, R.	Warburton, H.
Roche, W.	Whalley, Sir S.
Ronayne, D.	Williams, Sir J.
Rundle, J.	Williams, W.
Ruthven, E. S.	Wood, Alderman
Ruthven, E.	
Scholefield, J.	TELLER. :
Smith, B.	Beauclerk, Major
Spiers, A. G.	

On the question that 2,978,528*l.* 6*s.* 7*d.* be granted to his Majesty, to defray the charge of the Land Forces (exclusive of India) for the year ending 31st March, 1836,

Lord *Albert Conyngham* said, I must beg to call the attention of the House to this item, which I think ought to be satisfactorily explained to us. On referring to the Army Estimates laid before the House, it will be found that the sums expended on each of the two regiments of Life Guards exceeded that appropriated to the regiment of Horse Guards by 3,451*l.* 9*s.* 10*d.*, although all three regiments are upon precisely the same footing as to numbers, both of men and horses. Now, Sir, the manner in which this extra expenditure is employed, is as follows.—Each private of the two regiments of Life Guards has 3*d.* a day more pay allowed him, than a private in the Horse Guards, although in the three regiments the men have precisely the same duties to perform, and although the recruit of the Life Guards is provided with a kit of necessaries, gratis, on entering the service, and is given a stable-jacket yearly, all of which the private of the Horse Guards has stopped out of his pay. The height of the men in the three regiments is, I believe, the same—nay, I believe that by examination of the regimental returns, it will be found that the privates in the Horse Guards average greater height than those in either of the other regiments—therefore the increase of pay cannot be granted upon the plea of the superior stature of the men; and I contend that the sum of 1,839*l.* 3*s.* of the public money is unnecessarily expended annually upon each of the two regiments of Life

Guards in pay alone. In the Life Guards, 1,600*l.* 17*s.* is expended in each regiment upon the clothing, beyond that of the Horse Guards, making a difference of very nearly 4*l.* per man annually; and although it may be said that there is a difference in the prices and in the wearing of scarlet and of blue cloth, yet 4*l.* per man extra clothing money, appears an enormous charge. Now, Sir, in 1830, when the officers of the Blues had their pay reduced to the same scale as that of the Life Guards, I understood that it was intended that the three regiments of the Household Brigade should be placed on the same footing; but this, Sir, has never been acted up to, and I confess that I think we ought to pause before we grant the sum of 87,308*l.* 2*s.* to be applied to the Household Brigade; and unless we receive some intimation that this unnecessary expenditure shall be diminished as each new recruit enters the Life Guards, I shall move that the sum of 6,902*l.* 19*s.* 8*d.* shall be taken off from the vote laid before the House.

The Committee divided on the Amendment: Ayes 57; Noes 229—Majority 172. Original Resolution agreed to.

On the Resolution that 77,434*l.* 0*s.* 10*d.* be granted for the purpose of defraying the allowances to the principal officers of the public departments from the 1st of April, 1835, to the 1st of April, 1836,

Mr. *Hume* thought that one-half of this grant might be saved; but would content himself for the present, by moving a reduction of 11,989*l.* being the amount of the expenses incurred in the Adjutant-General and the Quarter-Master-General's office, of which the former amounted to 6,429*l.*, and the latter to 5,560*l.*

The Committee divided: Ayes 43; Noes 196—Majority 153.

The original Motion agreed to.

Several other votes were agreed to, and the House resumed.

POOR-LAW COMMISSIONERS.] Mr. *John Fielden* moved for a "Return of all communications addressed to the Central Board of Poor-Law Commissioners, from the Manufacturing Districts of the United Kingdom, representing that there are frequent demands for the labour of whole families in those districts, in addition to those already to be found there; together with a return of all communications to the same Board, from the southern coun-

ties of England, representing that the demand for the labour of such families is at present comparatively inadequate. Also, return of all answers or communications directed to be made by the Central Board of Poor-Law Commissioners to such correspondence or communications respectively."

Mr. Secretary *Goulburn* had just read the Motion which had been put into his hands. There must have been a good deal of correspondence between the Poor-Law Commissioners and different parts of the country, and it would not be to the public advantage to have that laid before the House. As the Motion called for all the correspondence of that body, there must be much stronger arguments adduced than any he had heard, to induce him to consent to it.

Mr. *Hindley* supported the Motion. The issuing of the circular by the Central Board of Poor-Law Commissioners, went to create an impression that a systematic attempt was making to draft the unemployed labourers from the agricultural parishes into the manufacturing districts, on the ground of there being an actual deficiency of labour in the latter. Before the Central Board had resorted to such a measure, they should have ascertained whether such deficiency of hands really existed; and, if they had consulted the volume which lay on the Table of the House, (the Report of the Select Committee on the Petitions of the Hand-loom Weavers) they would have found that in the Borough of Bolton, to which some of the agricultural paupers had already been sent, there were not less than 24,000 individuals entirely dependant upon hand-loom weaving for their support, and who were represented to be in a state of considerable distress. The same document showed that in other districts in Lancashire there were large numbers of this distressed body of operatives, whose labour could only be rendered productive by its being engrossed in the power-loom manufactures. The facts elicited by this Report, therefore, established a *prima facie* testimony against the proposed scheme of emigration; for it was evident that the low rate of wages which prevails amongst thousands of workmen, whose services could be made available in the staple manufactures of Lancashire and Yorkshire, afforded the strongest presumption that there was a redundancy of labour in

those counties. Under these circumstances, the transportation of agricultural labourers into the manufacturing districts, would aggravate the privations of the hand-loom weavers, and engender very serious discontent, without improving the condition of the agricultural labourers.

The House divided : Ayes 3 ; Noes 121
—Majority 118.

HOUSE OF LORDS,

Monday, March 30, 1835.

MINUTES.] Bill. Read a second time:—Government of Agra.

Petitions presented. By the Earl of ROSEBURY, from two Places, in favour of an unsparing Church Reform.—By the Earl of CARLISLE and Lord WHARNCLIFFE, from Halifax &c.,—for a Repeal or Alteration of the Factories' Regulation Act.—By a NOBLE LORD, from Stockton, and other Places, for Relief to the Agricultural Interest.—By Lord WHARNCLIFFE, from two Places, for the Better Observance of the Sabbath.—By the Duke of GORDON, the Earl of ROSSLYN, and Lord WHARNCLIFFE, from a Number of Places,—for further Accommodation in, and Protection to, the Church of Scotland.—By Lord BROUGHAM, from the Independents of Frome, Selwood, for Relief to Dissenters.

CRIMINAL JUSTICE IN IRELAND.]

Lord *Brougham* said, that seeing the noble Duke opposite in his place, he wished to ask a question. He had not the least doubt but that which he was about to mention had been misunderstood ; but even then he was sure that the noble Duke would be well pleased to be asked the question, in order that he might correct the mistake. It had gone abroad, in consequence of a question asked, and indistinctly answered or heard, that a very lamentable mistake had occurred in Ireland in respect of the execution of a person in that country for murder. His attention had been called to it as connected with the administration of criminal justice as a Peer of that House, for they were all by their situation as Peers connected with the administration of justice. He had of course made some inquiry into it, and he had found that it was not as it had been stated, that some person had by mistake for another man, suffered the extreme sentence of the law ; but then it was said that a mistake had been made with regard to identifying a man before one of the tribunals of the country, where the punishment of his crime was death in case of conviction. There was an immense difference between these two things. The mistake as to identifying a man was unhappily a mistake to which all human tribunals, deciding on

human evidence, must be subject. He had understood that there had been some communication with Ireland on the subject, and he thought it material that the public should know that there had been no mistake in the execution of the law ; but that if any mistake had been made, it was the supposed mistake upon the fact of the identification of a given person.

The Duke of *Wellington* was understood to say that he had not any exact information on the subject, but he believed that the rumour as to the mistake was of itself quite erroneous.

Lord *Plunkett* said, that he believed there had been some mistake in the first instance in identifying a person, but it certainly was not true that, by mistake, one man had been hanged for another. The rumour went to impeach the correctness of a verdict ; if it was not correct, he trusted that such mistakes were not of ordinary occurrence.

OATHS' ABOLITION BILL.]

The Marquess of *Camden* said, that he rose now in order to express his thanks to the noble Duke for the courtesy he had shown in postponing the third reading of this Bill in order to enable him (the Marquess of *Camden*) to consult the University with which he was connected upon the subject. The consequence of his communication with the University was, that neither he nor they had any wish to oppose the further progress of the Bill. That courtesy had also enabled the University, since the introduction of the measure, to turn their minds to the particular object of the Bill, and he could assure their Lordships that there was among the persons connected with the University of Cambridge no indisposition whatever to meet in the fairest manner the provisions of this Bill, and to assist in promoting the object of it so far as it seemed to them fit to do so. There was in that University every disposition to act in accordance with the principle of the Bill, so far as that could be done without endangering the discipline of the University. Their sole object was to promote as much as possible piety and learning among those who resorted to the University.

The Duke of *Richmond* said, he was happy to have been able to gratify the noble Marquess by postponing this Bill,

and glad to find that no opposition would now be offered to it. He moved that it be read a third time.

Lord *Brougham* was very sorry that after the postponement which had already taken place, he should be obliged to ask the noble Duke still further to postpone the Bill for two or three days. This arose not from any objection to the principle of the Bill, with which he most fully concurred, but from some difficulties of a technical nature, affecting some of its clauses. By Thursday next he hoped to be able to remove them. He had consulted the noble and learned Lord on the Woolsack, who agreed with him as to these difficulties.

The Duke of *Richmond* was obliged to the noble and learned Lords for their attention to the Bill, and for endeavouring to remove those technical objections that might impede its execution; and he consented to postpone it to Thursday.

Third reading postponed.

HOUSE OF COMMONS,

Monday, March 30, 1835.

CHURCH OF IRELAND.] Lord *John Russell*: I rise fully sensible of the arduous task I have undertaken; but although I am well aware both of the difficulty of that task, and of the responsibility I incur, yet the confidence I feel in the nature of the question I am to bring forward diminishes much of my anxiety, because I cannot but think that the clearness of the proposition I shall submit will compensate for any obscurity in the arguments I may use to enforce it. I am confident that the truth and justice of the cause will prevail though the weakness and incompetence of the advocate should be manifest. With no further preface, therefore, I shall enter upon the consideration of the subject of the Church of Ireland; and in doing so let me advert, in the first instance, to a Motion made on the 22nd of April in the last year. The hon. Member for the City of Dublin, then introduced a Motion for a Committee to inquire into the means by which the Union with Ireland had been effected, and as to the expediency of continuing it. The hon. Member was met by an Amendment in the form of an address to the Crown, which was carried by a large majority, and in the minority appeared only one Member for England, and no Member for Scotland. The answer to the

Motion of the hon. and learned Member, therefore, was given by the Representatives of England and Scotland, supported by a great part of those from Ireland. The address was in these terms:—"We, your Majesty's most dutiful and loyal subjects, the Commons, in Parliament assembled, feel it our duty humbly to approach your Majesty's Throne, to record, in the most solemn manner, our fixed determination to maintain unimpaired and undisturbed the Legislative Union between Great Britain and Ireland, which we consider to be essential to the strength and stability of the empire, to the continuance of the connexion between the two countries, and to the peace, and security, and happiness of all classes of your Majesty's subjects. We feel this, our determination, to be as much justified by our views of the general interests of the State, as by our conviction that to no other portion of your Majesty's subjects is the maintenance of the Legislative Union more important than to the inhabitants of Ireland themselves. We humbly represent to your Majesty, that the Imperial Parliament have taken the affairs of Ireland into their most serious consideration, and that various salutary laws have been enacted, since the Union, for the advancement of the most important interests of Ireland, and of the empire at large. In expressing to your Majesty our Resolution to maintain the Legislative Union inviolate, we humbly beg leave to assure your Majesty, that we shall persevere in applying our best attention to the removal of all just causes of complaint, and to the promotion of all well-considered measures of improvement."—This Address was carried by the House to the foot of the Throne, and his Majesty was pleased to return an answer, in which he stated that he should be "at all times anxious to afford his best assistance in removing all just causes of complaint, and in sanctioning all well-considered measures of improvement." This was the answer of his Majesty to the claim in the petitions of a large portion of the people of Ireland, enforced by a Member of this House, in whom they had the greatest confidence, and who undoubtedly possessed abilities to place his arguments in the best and strongest point of view. In pursuance of this answer which was adopted by the House of Lords, and thereby became, as it were, a solemn compact between the Parliament of the United Kingdom and

the people, given by the King, received by the Commons, and approved by the Lords, I am come before you to day to represent to you what I consider "a just cause of complaint" by the people of Ireland, and to induce you if I can to take a step to obtain a "well-considered measure of improvement." My complaint is that nothing of that sort has yet been done or attempted, and I have referred to this discussion, not only on account of its strict connexion with my Motion but because I think it ought to refute any answer to it founded upon some supposed danger, some distant apprehension, that what we may do to remove a "just cause of complaint," and to adopt a "well considered measure of improvement," with regard to Ireland, may have an injurious effect at some distant and indefinite time on one of the institutions of the country. I say you are not at liberty after having agreed to this address to put in that answer, and thus to bar a remedy. One of two things must be admitted: either you are prepared to do justice to Ireland—to consider her grievances, and redress her wrongs—or you are not. But if you tell us that your position is such, that any measure of that kind would be injurious to England, and dangerous to her Church Establishment, which prevents the remedy of the abuses of the Church of Ireland, you surely, then, have no right to say, that it is fit to enforce the Legislative Union. You are not to tell us, that you cannot listen to the well-founded grievances of Ireland, and are not prepared to do her justice, and yet insist on an adherence to the Legislative Union. I hold that such an answer would be most impolitic as regards Ireland, and most dangerous as regards the whole empire. I am one of those who think, that with perfect safety to the Church of England, you may remedy what is defective in the Church of Ireland, and, remedying that, may persist in your demand for the preservation of the Legislative Union. I own I cannot understand how any Members of this House can confess their inability to remove the grievances of Ireland, on account of a remote and contingent apprehension; and yet can maintain, as absolutely as I do, that the Legislative Union ought not to be disturbed. The state of Ireland has long been, and is now, a source of great embarrassment to every Statesman of this country. There is no doubt that the

moral, no less than the physical condition of that people, is one of great degradation. With respect to the physical condition—with respect to the poverty and distress prevalent in Ireland—if I were to bring forward a Motion on that subject, I should be obliged to state grounds for thinking that some measures were necessary, by assessment or otherwise, to lessen that serious evil. But that is a question of another kind, and for another day. The question which I have to consider is, the moral condition of the people, and how far the Church established in Ireland bears on that condition? Whether our Acts of temporary coercion—our Acts for enforcing the collection of tithes, and to compel the due administration of the law, have, or have not been effectual, there exists, as we unhappily know, a strong propensity to violence and outrage, not merely among a few lawless and ill-regulated persons but among all, or nearly all, classes of the community. This defiance of the law arises from an opinion, that the law is not fairly and equally administered. Dreadful acts of murder have been committed in various parts of Ireland. A murder has been perpetrated, at one time, on a clergyman of a most unoffending character, and at another time a Roman Catholic has fallen a victim to the animosity of those whom he had never intended to injure. It not unfrequently has happened that an individual, wishing to preserve the safety of his own person, has had more reason to fear the combination of those who set up against the law, than the ministers who execute the law. It has too often happened, that when Justice has raised her head, a stronger power has resisted her efforts, her balance has been destroyed, and her sword turned aside from its purpose by the intervention of a multitude. Every relation of life in Ireland, as Viscount Melbourne said in the House of Lords last year, has been, and still is, liable to be disturbed, by this lawless condition of affairs. The payment of rent, the hiring of land, the settlement of wages between employer and servant, in short, the conclusion of every bargain has been frequently impeded by threats on the part of those who appear to have no concern with making the engagements that to complete them would be attended with personal danger. If we look to the causes, although no doubt many might be named, yet we cannot help being

struck by the fact, that there has been no time in the history of Ireland since this country obtained footing and dominion there, in which there was not some dreadful contest, something amounting to a civil war, and a state of law which induced the people to consider themselves rather as the victims of tyranny, than the subjects of just Government. It has happened, by a kind of fatality, that those periods most remarkable, and most glorious in English history, have been marked by indications of some new distinction, some new calamity in Ireland. While we justly boast of the Statutes passed in the reign of our First Edward, an epoch remarkable in our civil history, for Edward has been called the English Justinian, the inhabitants of Ireland vainly petitioned for a removal of those invidious distinctions which deprived them of the benefit of English laws. A similar remark applies to the reign of Edward 4th. Throughout the reign of Elizabeth, when the Reformation was so prosperously completed, and when the glory of England was so resplendant, not only in arms, but in arts and literature, the Irish suffered the most grievous oppressions, and a new distinction was introduced, viz., that distinction of which I shall have so much to say to-day, brought about by changing the faith of the great body of the clergy, without the faith of the people undergoing the same change. Passing over the period of the Commonwealth, the great event of the Revolution, to which we look back with such proud and just satisfaction, when a new family was placed upon the Throne, which led to the establishment of the House of Brunswick in these realms, was attended with new calamities to Ireland. New distinctions were made to the disadvantage of that unhappy people; and on the score of their religion they were suspected of an attachment to the Monarch whom England had banished. They were accordingly visited by laws, which Mr. Burke truly designated as a barbarous code—they were proscribed, humiliated, and degraded, and treated as enemies both to the Throne and to the altar. At the same time our ingenuity was tormented to discover modes of restricting the trade of Ireland with our colonies, and the progress of her internal improvement was industriously impeded. Such were the circumstances which in Ireland corresponded with the most glorious events of

English history. Towards the end of the last and the beginning of the present century, a better era seemed promised to Ireland: many odious restrictions were removed and she freed herself from bonds which had previously most unjustly confined her. The power of legislation was restored to her, and about this period some religious distinctions were removed, and she approached nearer to the enjoyment of equal laws and to the possession of civil rights. The conviction of a long course of injustice and suffering, which naturally impressed the minds of the people, induced them even in this dawn of a happier day, to look a little into the cause of improvement in their prospects and condition. It was said by a Statesman, of no democratic turn, no lover of popular innovation, the late lord Grenville—that concession to Ireland was always the result, not of kindness, but of necessity. Such was the case when in the midst of the American war, with 80,000 volunteers in arms, England was obliged to make an appeal to Ireland. Such was the case in 1792, when the Elective franchise, first obstinately denied, was at length conceded, because a French war was impending. Such was the case, I am sorry to add, since the period when Lord Grenville spoke, when Catholic Emancipation was reluctantly granted. That concession arose out of no admission of the justice of the claim on the part of those who proposed it, but proceeded merely and avowedly from the fear of civil war. The point having been yielded in this manner, it cannot be expected that the minds of the people of Ireland should be so changed as to be reconciled to their remaining disadvantages; ancient hatred and former animosities still necessarily prevail, and it seems to have been too often thought by them that what force once extorted, force could again compel. I now come to you, and ask you to legislate in a different and a liberal spirit. I come to you, to ask you although the Reformation and the Revolution were periods of calamity and not of gratulation to Ireland, to make this era (when a Parliament has been assembled representing, I believe fairly, the opinions of the united people), celebrated in her annals for its justice and impartiality, inspiring her inhabitants with better hopes, and laying the foundation of a lasting settlement. In considering the state of the Church of Ire-

land, I am obliged to look back and consider a question that has been of late a good deal mooted, viz. the utility and object of a Church Establishment. I am one of those fully concurring in the defence set up last year by one of our Prelates, that an Establishment tends to promote religion, to maintain good order, and I farther agree with him as to the fact that it is agreeable to the sentiments of the majority of the people of this part of the empire. But as a friend of the United Kingdom, I call upon you to consider whether with respect to the Church of Ireland you can set up the same defence? Does it tend to promote religion, or to maintain good order? On this part of the subject I will take the liberty of reading a passage from Archdeacon Paley, where he speaks of a Church Establishment. "The authority of a Church Establishment is founded in its utility; and whenever, upon this principle, we deliberate concerning the form, propriety, or comparative excellency of different establishments, the single view under which we ought to consider any of them is, that of 'a scheme of instruction,' the single end we ought to propose by them is, 'the preservation and communication of religious knowledge.' Every other idea, and every other end, that have been mixed with this, as the making of the Church an Engine, or even an ally of the State; converting it into the means of strengthening or diffusing influence; or regarding it as a support of regal, in opposition to popular, forms of government; have served only to debase the institution, and to introduce into it numerous abuses and corruptions." I agree also with a right reverend Prelate who stated in one of his charges last year, that "the avowed object for which the Church is established is the spiritual instruction of all classes of the people." He adds, elsewhere, that the whole controversy is reduced to this—"whether the religious instruction of a nation is not more effectually carried on by means of an endowed and an Established Church?" That is precisely the question I propose to apply to the state of Ireland, and I ask whether this great object has been advanced by the mode in which the Church revenues are at present appropriated in Ireland—whether the religious instruction of the people has been promoted by the establishment of the Pro-

testant Church? I will first consider what are now the revenues of the Irish Church as compared with its revenues in former times. Upon this point a passage which I shall beg to read from a letter of Archbp. King to Archbp. Wake, after the death of the Archbishop of Tuam, dated March 29, 1716, is instructive. He says, "We have but about six-hundred beneficed clergymen in Ireland, and perhaps of these hardly two-hundred have 100*l.* per annum; and for you to send your supernumeraries to be provided out of the least of these does look too like the rich man in Nathan's parable." At that period then it will be seen that there were not more than 600 benefices in Ireland, and the total revenue of the Church at that time, even including lay impropriations was not more than 110,000*l.* Now, my hon. Friend (Mr. Ward) in his speech of last year made a statement of the present revenues of the Church of Ireland, which has not been disputed, and the exactness of which I believe there is no reason to doubt: It is as follows,—“The total number of benefices is 1,456, of which seventy-four range from 800*l.* to 1,000*l.* a-year; seventy-five from 1,000*l.* to 1,500*l.*; seventeen from 1,500*l.* to 2,000*l.* and ten from 2,000*l.* to 2,800*l.*, which is the *maximum*. There are 407 livings, varying from 400*l.* to 800*l.* per annum; and 386 livings exceeding 200*l.*” I have before mentioned that the total revenue of the Church of Ireland in 1716 was 110,000*l.*, being made up of the sums of 60,000*l.* for benefices, and about 50,000*l.* for lay impropriations. Now, let us see what is its amount at present. I find it thus stated:—

“Tithe Composition	-	-	-	£554,433
Episcopal revenues exclusive of Tithes	-	-	-	141,896
Deans and Chapters and Economy Estates	-	-	-	5,399
Minor Canons and Vicars Choral	-	-	-	5,183
Dignitaries Prebendaries, and Canons	-	-	-	6,560
Glebe Lands	-	-	-	68,250 at 1 <i>5s.</i>
Perpetuity Purchase Fund	-	-	-	30,000

Total • £791,721”

These are the present revenues of the Church of Ireland, so that in the whole they amount to little less than 800,000*l.* We therefore at once come to the question, whether this large sum has really been applied to the religious instruction of the people, or to whose benefit it has been applied?—whether, while during the last century there has been this enormous increase in the revenues of the Church, there has been a corresponding increase in

the number of conversions to the Protestant religion?—whether the activity and zeal of the clergy have been such, and whether such has been their success, that the greater portion of the inhabitants of Ireland have become attached to the Protestant Church, and whether this beneficial change has been owing to the instructions of its ministers? I am sorry to say, that the result has been too much the reverse. I am afraid that in the last century, although it is not so now, it was considered rather an advantage, that there were but a few Protestant clergymen residing on their benefices; as they had no glebe-houses, and no Churches, they had a very fair plea for neglecting their spiritual duties. It is mentioned by more than one traveller, that such was the ordinary case, and even at a late date many of the clergy considered themselves rather part of a large political body, than as persons appointed for the spiritual instruction of the people. It has been stated to me by a reverend gentleman who has addressed me, and who once held a benefice in Ireland, that when first he went there he considered the character of the clergy of that Church very different from the character of the clergy of the Church of England. They had many very small flocks; they had difficulty in collecting their tithes; their attention was therefore too much absorbed by the means of collecting their tithes, and they did not partake of the character which does so much honour to the clergy of the Church of England. This statement was made to me by a highly respected gentleman, who held a benefice in Ireland for many years, and afterwards gave it up and returned to this country; and he mentioned an instance of a clergyman who thought himself aggrieved in being deprived of his benefice, because he would persist in holding a commission in a yeomanry corps. All the information that we have, and it is abundant, tends to show that such was formerly the actual condition of the Church. By Tighe's History of Kilkenny, it appears, that the number of Protestant families in 1731 was 1055, but in 1800 they had been reduced to 941. The total number of Protestants at the former period was 5238, while the population of the country, which in 1800 was 108,000, in 1731 was only 42,108 souls. From Stewart's History of Armagh, we find that sixty years ago the Protestants in that

county were as two to one; now they are as one to three. In 1733, the Roman Catholics in Kerry were twelve to one Protestant, and now the former are much more numerous than even that proportion. In Tullamore, in 1731, there were sixty-four Protestants to 613 Roman Catholics, but according to Mason's Parochial Survey, in 1818, the Protestants had diminished to only five, while the Roman Catholics had augmented to 2,455. On the whole, from the best computation I have seen, and I believe it is not exaggerated one way or the other, the entire number of Protestants belonging to the Established Church in Ireland can hardly be stated higher than 750,000; and of those, 400,000 are resident in the Ecclesiastical province of Armagh. Without going into particulars, for which indeed I do not pretend to be prepared, it may be said, that in Armagh the numbers are seven or eight to one, and in other parts of Ireland the disproportion is larger. I have, however, an account relating to different dioceses, which I believe to be very accurate and which I will state to the House. The noble Lord read several particulars, of which the following table is a summary:—

Dioceses.	Members of Established Church.	Roman Catholics.	Presbyterians.	Other Protestant Dissenters.	Total.
Ardfert .	7,529	297,131	.. ..	27	304,687
Down .	30,583	61,465	101,627	3,537	197,232
Dromore .	35,677	58,516	59,385	818	154,409
Kildare .	13,986	122,577	9	334	136,956
Kilfenora .	235	34,606	4	..	34,845
Killaloe .	19,149	359,585	6	326	379,076
Leighlin .	20,404	170,083	198	281	190,966
Lismore .	8,002	207,688	164	862	216,236
Meath .	25,626	377,430	671	199	403,956
Waterford	5,301	43,371	110	443	49,225
	166,492	1,732,452	162,184	6,430	2,067,558

Thus, in the diocese of Ardferf, the Protestants only form one-forty-first part of the population; in Down, one-eighth; in Lismore one-twenty-seventh; in Waterford one-ninth; in Killaloe one-nineteenth; and in Dromore one fourth of the population. Thus, too, it will be seen, that while in some parts of Ireland the members of the Established Church form a considerable proportion of the population, and it is therefore held that they require a considerable number of clergymen, in other parts they form but a small proportion—so small that it cannot be necessary

or right that there should be so large an establishment as is in other parts of the country. Having shown that these are the general results with respect to the proportions of the population—and every one knows that by no computation can the Members of the Established Church be made to form more than one-ninth of the whole population—I may venture, with the less fear, to give some particular instances of the proportions which the Members of the Church of England bear to the amount of money drawn from tithes, and applied to the spiritual instruction of a small portion of the people. The instances which I will state to the House are taken from a memorandum furnished by my right hon. Friend, the Member for Staffordshire (Mr. Littleton). They are as follows:—

Parishes.	Value.	Estab. Ch.	R. Catholic.
	£	Glebe	£
Taghmon .	446		50
Ballycormick .	95	133	2920
Ballynilty .	82	10	501
Dunleer .	153 G. 6	21	390
Drumcar .	53	159	1460
Monachabone .	107	120	1528
Moyleary .	173 G. 30	9	737
Cuppog .	120	13	1148
Rathdrummin .	82 G. 20	1	530
Carrikkbogget .	57	7	662
Port .	142 G. 5	—	332
Ullard .	280 G. 45	5	800
Graig .	440	50	2213
Ossory .	62	63	4779
Balsoon .	69	4	107
		7	313

This, Sir, will be sufficient for my present purpose. I believe that similar instances, without end, might be produced from the knowledge, and, I may say, the personal acquaintance, of gentlemen residing in Ireland. Their tendency is to show that there is a very large mass of the 800,000*l.* raised for the spiritual instruction of a small class of the people, while all the rest of the people derive no benefit whatever from that expenditure. I believe that more care and more attention have been given of late years, particularly during the last seven years, to the spiritual cure of Members of the Church of England, than have been afforded at a former period. I believe that, in this respect, the Church of Ireland now stands high, and that there are clergymen belonging to that Church who exert themselves to the utmost to afford spiritual instruction to the people. But we must not fall into the error of supposing that it is only necessary to build Churches and glebe-houses,

in order to convert men to the religion which ourselves profess. There were times, perhaps—I know not whether it were so or not—when, by kindness and care, the English Church might have obtained a much more extensive footing in Ireland than it possesses now; but it is evident that, as regards a people so much attached to their own faith as the Roman Catholics are, you cannot hope, by merely placing a clergyman in a glebe-house, and advising him to preach every Sunday—you cannot hope that, by such means, any real advances will be made in their conversion. Everything contradicts such a supposition; and, if it were not contradicted merely by the present state of the facts, I am sorry to say, that what has occurred of late years would tend to diminish very much any such hopes that might have been entertained. It was thought fit some years ago to call together public meetings in Ireland, and to endeavour by controversy and dispute to bring over Members of the Catholic Church to the Protestant Church. Now, Sir, I must say, that those who took this course acted in defiance of all history and all experience. I can well conceive, that in the case of a rich Church established in a country in which it was enjoying large benefits without attending properly to the cure of souls, individuals, even though themselves were in error, might hope, by pointing out the corruptions and defects of such a Church, to obtain many converts; but that persons belonging to a Church like the Church of England—that they, belonging to a Church so large, and maintained by tithes paid by the people generally who dissent from it—that they should attempt a sort of crusade against the voluntary leaders of men who support their own Church, and hope to gain the supremacy in the controversy, does show, I think, greater zeal and rashness than prudence or wisdom. What, Sir, was the consequence? It might have happened, that things might have gone on in their usual course; but this controversy being commenced, the Catholic clergy considered themselves attacked, and raised a spirit of resistance to the legal payment of that clergy to whom they were religiously and theologically opposed. I am far from thinking that that resistance was justified; still less do I think that encouragement ought to have been given to it. But I feel it to be my duty to place

before you the facts — to acquaint you with the state of things which naturally resulted from what was attempted, in order that you may see that the effect was to throw an additional obstacle in the way of the success of the Church of England in its endeavours to win over a large class of the Roman Catholics to its spiritual doctrines. In the parish of Graigue a system of violence was commenced, and it was said that the Roman Catholic Priests advised the people not to pay tithes. If they did so, all parties must blame them. A Protestant clergyman, on the other hand, seized a horse from a tithe-payer, and equal blame must be given to him for taking that course. I do think it is most lamentable, that instead of the clergy of the different persuasions recommending the mild precepts of the Gospel which they teach in common, they should have been the originators of disputes and strife; it is surely most lamentable, I say, that such differences should have been commenced by those who ought to be the Ministers of peace. Unfortunately there has prevailed throughout Ireland, for several years, a spirit of resistance to the payment of tithes, so inveterate that no exertions of the clergy and no efforts of the Government have succeeded in enforcing the collection of them. The extent of the evil is admitted by all parties. The laws passed during the late Administration having proved ineffectual, the right hon. Gentleman opposite, the Chief Secretary for Ireland, the other night came down to the House, and, in his introduction of a measure relating to this subject, earnestly deprecated the use of military force for the collection of tithes. What, then, is the state of the Church of Ireland? You, in the first place, are unable to diffuse its spiritual and religious doctrines amongst the great mass of the people, and you have, in the second place, by your system of tithes, been constantly brought into collision with them. You have been constantly producing a state of things which, while it has led to the disturbance of this country, was irreconcilable with those spiritual objects for which the Bishop of London has said a Church Establishment alone ought to exist. Allow me, sir, to call the attention of the House to the principle which the great authority I have quoted lays down. That authority states, that Church Establishments should be considered as the means

of moral and spiritual instruction, and nothing else; the great object in establishing them was to be essentially useful. Bearing in mind what has occurred at Graigue and Rathcormac, I would ask whether the great and permanent objects of a Church Establishment can ever be secured by your determining that funds shall be demanded for the purpose of enforcing the doctrines of the Church of England, and for no other purpose whatever. Well, then, what do I propose to do in this case? I propose that there should be instituted such a reform of the Church of Ireland as would enable us to adapt the Establishment to the spiritual instruction of those who belong to the Church, and that there should be no unnecessary surplus. If you adopt this principle, you cannot do otherwise than greatly reduce the Church of Ireland. I propose, therefore, that you should undertake this object, and that you should apply what shall appear to be the surplus in some way by which the moral and religious improvement of the people of Ireland may be advanced, by which their interests may be considered, and by which they may hereafter believe that the funds which are raised nominally for their benefit, are used for their benefit in reality. It is with this view, then, that I mean to propose this Resolution to the House of which I have given notice. That Resolution is as follows:—"That this House resolve itself into a Committee of the whole House to consider the Temporalities of the Church of Ireland." The House having resolved itself into a Committee, I shall move, "That it is the opinion of this Committee that any surplus which may remain after fully providing for the spiritual instruction of the Members of the Established Church in Ireland, ought to be applied locally to the general education of all classes of Christians." In proposing this course, I feel that I am not doing more than the case requires. A similar course was taken in 1828, with respect to the Catholic claims, on the proposition of my hon. Friend the Member for Westminster. I beg leave to explain the view I take, because I shall answer the hon. Gentleman opposite who asked me in what manner I intended to proceed. The Motion to which I have alluded, that the House should resolve itself into a Committee of the whole House to consider the state of the Roman Catholics, was carried by a

majority of six. The Committee then did resolve that it was expedient to consider the state of the laws affecting the Roman Catholics, with a view to their final adjustment. It was then moved that the Resolution be sent to the Lords, in order that their concurrence might be asked. The Commons and the Lords held a conference on the subject, after which the latter fixed a day for the debate, the result being, that the Motion for their concurrence to the Resolution that had been adopted by the House of Commons was lost. I now propose that this House shall resolve to go into Committee, and having gone into the Committee. I shall propose a resolution which will embody the spirit and substance of my present Motion. On that Resolution being reported, I shall move an Address to the Crown. I shall move that the Resolution be presented to the Crown, with a humble entreaty to his Majesty that his Majesty would be most graciously pleased to enable the House to carry it into effect. I think that this is the course which we took on the question of the "Church Temporalities Act." After that Bill had been read a first time, the question was raised whether we could dispose of the Ecclesiastical patronage of the Crown without the special approval of his Majesty; and it was decided, Sir, by your predecessor, that the question having been brought under the consideration of the House by the King's Speech, the Bill might be read a second time, but, that afterwards, it would be proper that a special message should be received. I call the attention of the House to that question, because I think the manner of proceeding which I recommend is the best, not only in point of form, but because I do also think that the only manner in which a satisfactory measure can be proposed to the House, is by the concurrence of the Crown. In proposing this, I know not whether the right hon. Gentleman opposite (the Chancellor of the Exchequer) will think it proper to follow the course he took in 1829. After a Resolution had been carried by a majority of six, the right hon. Gentleman went down to the King, and informed his Majesty that the House of Commons had decided by a majority in favour of the Roman Catholic claims, and that the state of Ireland being such as to induce well-founded alarm, it was his duty to change his course, and to propose a measure of

relief. Whether the right hon. Gentleman opposite will follow that precedent or not, I know not; but I do think that it is as competent to him to adopt such a course on the present occasion as it was for him to adopt the course he took on the Roman Catholic question. The right hon. Gentleman has, I know, stated his opinion on the subject, and that is an opinion which is against this proposition; but he has spoken in no more decided terms against it than he did with respect to the Roman Catholic question—a measure which he afterwards introduced. The right hon. Baronet, in his address to his constituents, which he professed to be a declaration of the principles on which he intended to act, stated, with respect to Church Reform:—"Then, as to the great question of Church Reform, on that head I have no new professions to make. I cannot give my consent to the alienation of Church property, in any part of the United Kingdom, from strictly Ecclesiastical purposes. But I repeat now, the opinion that I have already expressed in Parliament, in regard to the Church Establishment in Ireland—that if by an improved distribution of the revenues of the Church, its just influence can be extended, and the true interest of the established religion promoted, all other considerations should be made subordinate to the advancement of objects of such paramount importance." The right hon. Gentleman stated his opinion, in this very emphatic manner very soon after he took office. When subsequently the right hon. Gentleman was asked a question in this House, as to what he proposed to do in regard to measures resulting from the Commission now making inquiries in Ireland, he answered that he was not averse to any new distribution of the revenues of the Church, which would promote the interest and extend the influence of the Church; but any measure to which he consented, must be confined in its object to the promotion of the doctrines of the Church. In some observations upon the Tithe Bill lately brought before the House, in which the question of the appropriation of Church revenues was involved, the right hon. Baronet said, that he would consent to their application to their present purposes, but the amount must be confined to those purposes, spiritual and ecclesiastical, viz., those purposes for which the Church of England at present exists. Now, I do say, Sir, that the right hon.

Baronet having stated his opinion thus broadly on this question, it is quite clear, that whatever may be the result of the inquiries which the Commission is yet to pursue, it is necessary that the House of Commons should come to some decision on that point, and either adopt or reject the principle adopted by the right hon. Baronet. If the House be determined to confine the revenues of the Church to purposes strictly ecclesiastical, it is better for that determination to be declared; but if the House is not of that opinion, it is certainly of no use for us to be passing through the different stages of the Bills for the Commutation of Tithes. We ought, in my opinion, to proceed with that Bill, while this great question is unsettled—while it is yet unknown whether the Ministers and the House of Commons agree as to the question, or are at variance upon it. I think, Sir, that this consideration is a full justification of the course I take in proposing this Resolution to the House. It is quite clear that the late Ministry, or any similar Ministry, on the Report of the Church Commissioners becoming known, would have been disposed to act on the spirit of that Report, and, if necessary, would have proposed to reduce the Church Establishment in Ireland. But the right hon. Baronet tells us at once, immediately on his resuming office, again on appearing in this House, and also in proposing the Tithe Bill—three separate times he tells us—that the Commission may go on prosecuting its inquiries, but he should care for its Report no otherwise than as it would enable him to effect a better distribution of Church property among the members of the Church; and whatever the nature of the Report, whatever the surplus, however extensive the reduction which the Protestant Church might bear consistently with the preservation of its stability, and the extension of its really beneficial influence, he has made up his mind already not to consent to forego the principle of maintaining the property of the Church to its present purposes. That being the case, it is quite necessary, as it appears to me, to come to some distinct Resolution on the question. It is for the advantage of every one—for the advantage of this country—for the advantage of Ireland—and, indeed, for the general advantage of the empire—that there should be on this great and vital question, an Administration in harmony with the House

of Commons, acting according to its sense. And if the right hon. Gentleman has the confidence of the House, or if his opinions and the opinions of those acting with him being adverse, he is prepared to take the course he took on a former occasion—in either case, it is far better that at once we should come to some decision, and not be voting Supplies, and not going on night after night, and week after week, without knowing whether the Ministers of the Crown do enjoy the confidence of the House on this great question, or do not. Well, then, Sir, I think that what I have said will be considered a sufficient answer to any argument that may be drawn from the fact of the Report of the Commission not being yet on the Table of the House. The hon. Gentlemen opposite may say, that it is inconsistent thus to bring forward a Motion on this subject, without the Report being before us, and they are quite welcome if they please to throw those taunts upon us; but I think it sufficient to state in reply, that the state of the question has been entertained, that it is a question no longer open—on the contrary, it is one on which a decided opinion has been formed by the hon. Gentlemen on the other side of the House; and that decided opinion having been pronounced, it is quite necessary that we should ask whether or no the principle which we propose—whether the appropriation of the revenue of the Church of Ireland, or any part of it, to uses by which the people of Ireland generally can be benefitted, will secure the sanction of the House. I come now to the question with respect to the purposes to which I would apply the surplus. The other night an hon. Gentleman asked me whether I proposed that any part of the money should go for the purpose of affording religious education to the Roman Catholics, on the principles of the Roman Catholic religion. My answer is, that I propose to adopt the principle acted on by the National Board of Education for Ireland. The measure, constituting that Board, was proposed by my noble Friend, the Member for Lancashire; and, according to that measure, members of all creeds, children of all persuasions, can receive religious and moral instruction, and are brought up in harmony and at peace with each other. I have considered that, in the present state of Ireland, no measure would tend so much to its future peace, as the expending

of large funds, for the purpose of promoting education. From the earliest times, it will be found that the Protestants have been desirous of improving the condition of the people of Ireland, by means of education. It was the object of the 12th of Elizabeth, chap. 1st. The preamble of that Act actually states, that much good is expected to result from the establishment of a good system of education in Ireland. But, in after times, and in times much later, there have been those who considered that it was of the utmost importance that instruction should be given to the people of Ireland, in such a manner as would not interfere with their religious faith. In support of this statement, I beg the attention of the House, while I read to them the copy of a letter from the Lord Bishop of Clonfert to the Rev. Mr. Moore, of Boughton-Blean, near Canterbury :—

“ Though I had not the pleasure of receiving your very informing discourse on Sunday-schools, at the time you intended, I have since got it, and read it with the greatest satisfaction. It is an admirable defence and recommendation of this new Institution, which I hope will daily become more general, and produce the best moral effects, by impressing the children of the poor with a sense of duty and religion, at the only time and age when they are capable of impressions. A poor man's creed need not be long, but it should be struck in early, and a true and right one. If he believes, as the common proverb says, that he is to die like a dog, he will undoubtedly live like one. The communication of education, is certainly a very great blessing to the poor; and had Mandeville, and they who, to serve political purposes, are for denying all instruction to the lower classes, only pushed their argument far enough, they might have proved that they had a right to maim, or put out the eyes of the common people, in order to make them more manageable, and more in the power of their superiors. Having never seen the paragraph in the English papers concerning me, to which you allude in your appendix, I can say nothing to it; but what I have endeavoured to do in my diocese, ever since my appointment, is this—there are twenty Catholics to one Protestant in it. To attempt their conversion, or to think of making them read Protestant books, would be in vain. I have, therefore, circulated amongst them some of the best of their own authors, particularly one Gother, whose writings contain much pure Christianity, useful knowledge, and benevolent sentiments. He wrote eighteen volumes of religious extracts, and died about the year 1696. Unable to make the peasants about me good Protestants, I wish to make them good Catholics, good

citizens, and good anything. I have established, too, a Sunday-school, open to both Protestants and Catholics, at my residence in the country, have recommended the scheme to my clergy, and hope to have several on foot in the summer. Pastoral works, however, of this nature, go on very heavily in a kingdom so unsettled and so intoxicated with politics, as this is. I return you my best thanks for your obliging present.”

I cannot conceive, Sir, that funds intended for the religious instruction of the people, can be misapplied when devoted to objects likely to make them good subjects of the State, and religious and moral. Objects of a similar kind were kept in view, when, in 1806, a Commission was appointed, which consisted of the Archbishop of Armagh, Mr. Grattan, and Mr. Edgeworth. After several years spent in inquiry, they agreed to a report, in which they carefully laid down the principle, that any new system of education ought to be such as would not interfere with the religious tenets of any particular party. In an appendix to the report, there is a letter from Mr. Grattan, who, in speaking of the sort of schools that should be formed, says, that they ought to be founded on more extensive and comprehensive principles. The Board for promoting Irish Education is composed of the Archbishop of Dublin, the Duke of Leinster, and others. I am sure that all must have heard, that the schools of the kind established by the recommendation of that Board, have been conducted with the utmost harmony, and attended with the most beneficial effects—moral and religious instruction has been conveyed generally to the people without reference to one particular and exclusive creed. I come now to meet one or two objections which have been urged, but which I do not think well founded. The first is, the assertion of that principle, that the property of the Church ought not to be diverted from the uses of the Church to which it belongs. With respect to that principle, I am not disposed to go at large into the general question as to Church property being considered private or not. I am disposed to consider that question as Burke was disposed to consider it, as expressed in his speech on the right of taxation over a colony, made on the motion for the conciliation of America. And I believe that if I were to attempt entering on that branch of the question, I should run great risk of overwhelming myself in

that

——— "great Serbonian Bog,
Betwixt Damiatra and Mount Casius old,
Where armies whole have sunk."

Burke has also said, "From the earliest considerations of religion and constitutional policy, from their opinion of a duty to make a sure provision for the consolation of the feeble and the instruction of the ignorant, they have incorporated and identified the estate of the Church with the mass of private property of which the state is not the proprietor, either for use or dominion, but the guardian only and the regulator. They have ordained, that the provision of the establishment might be as stable as the earth on which it stands, and should not fluctuate with the Euripus of funds and actions." Now I do not hold the opinion that this is private property, and that we can no more interfere with the revenues of a Bishop than with the estate of an Earl. Mine, however, is not the doctrine of right hon. Gentlemen opposite. If they made their stand on the question of private right—if they said, that Ecclesiastical property shall not be disposed of otherwise than as it was originally devised or distributed—I could easily understand them; but this is not their argument. They hold, that the State may distribute Church property otherwise than as at present; that the State, for example, can take from a Bishop, and give to a rector or curate. Does that doctrine, then, I ask, bear any resemblance whatever to the law which recognizes private property? Does Parliament ever proceed on that principle in the latter case, and say, "There are 100 or 200 great proprietors in this country, and it is expedient that wealth should be more equally distributed?" If Church property be private property, we cannot, for a moment, stop to inquire whether the Bishop of Durham has too much. We are satisfied it is private, and we cannot touch it. On what principle, then, do we proceed, and to what conclusion does our proceeding necessarily lead? My noble Friend, the Member for Lancashire (Lord Stanley), proposed a Bill, which was passed into a law, and which diminished the number of Bishops in Ireland. The number was too great, and the funds were to be distributed—in what manner? To those next in order—to deans and chapters. But supposing there was enough for them, and still a surplus, what then? Why, then it

was to be applied to rectors, to churches, and glebe-houses. But it might also happen, that the Bishops had too great a revenue still, so that there would be a surplus after all these objects had been accomplished. How is it possible to say, that we can redistribute this property, and yet not carry out the principle to its legitimate length, and distribute the surplus in a manner in which it may be most useful? On what principle do we go? Upon no other than this—that it is useful for the purpose of religious instruction that there should be a re-distribution. And what do we come to? To a principle totally distinct from, and at variance with, every law by which private property is affected. I maintain, we can only do that on the grounds of public expediency, of public right, and of public advantage. If, then, I show that public right, public expediency, and public advantage, require the application of some portion of those revenues to works of religious education and charity, where, I would ask, is the distinction between them? and how can the right hon. Gentleman pretend that he left that property more sacred than I do? I confess, that to my mind the right hon. Gentleman and his colleagues have no ground to stand upon, and I cannot see how they keep themselves out of the Serbonian Bog to which Mr. Burke alluded. On the one hand, they may stand on the notion of private property, and maintain the Ecclesiastical revenues intact and inviolate to their original destination; or, on the other hand, admitting the right of Parliament to interfere, they must hold that for the benefit of the subjects of the realm, for their religious instruction, for the well-being and harmony of the state, it may so interfere. But there is no resting between the two propositions; to say, that it should be partly distributed, and partly kept sacred, partly interfered with for public objects, and partly considered private property, does seem to me to couple, in one proposition, the utmost absurdity with the utmost inefficiency. Sir, I do hope that hon. Gentlemen opposite will grapple with this great question on clear and intelligible grounds. I must protest against any proposition not founded in distinct and known principles, and which does not tend directly to the good of the State. But we are told, in defence of the present mode of applying Church property in Ireland—that the greatest

number—fifteen to one, it is said—of the owners of the land in fee—are members of that Church. Sir, if I could fancy that any one would hold such a doctrine as this—that a Church Establishment was intended originally for the exclusive benefit of the rich—that spiritual instruction should be given only to men who had an estate of inheritance—that none but a man who possessed a freehold estate should be entitled to the comforts and consolations of religion—I could then understand the argument to which I have alluded; but when I refer to any of the great authorities I have quoted, who cannot be questioned or repudiated, and when I find it laid down that a Church Establishment is intended for the benefit of all classes, and more especially for the benefit, the instruction, and consolation of the poor, it is not enough to tell me, that those who originally contribute the sums which constitute the revenues of the Church are Protestants and members of that Church;—for I am bound to look at the effect of the payment of tithe, on the whole, as a system. Besides, on whomsoever the charge of maintaining the Establishment may fall ultimately, it is perfectly notorious that those on whom, for the most, the tithe is levied, and on whom it first falls, are members of the Roman Catholic faith. The right hon. Gentleman (Sir Henry Hardinge) stated to the House the other evening, that sums were collected every day, and will continue to be collected as long as leases are in force, of 6*d.*, 4*d.*, and 1*d.* from those who do not belong to the Establishment—from which, indeed, they derive no benefit whatever. The alleged circumstance, then, that the original proprietors of land happen to be members of the Church, ought not to be an objection to the proposition for which I contend. On these grounds, and unaffected by those objections I have noticed, I am prepared to move the resolution which I call on the House to sanction and affirm. I do think, that if—without adopting some such course as that which I venture to recommend—we pass the Tithe Bill in the shape in which it has been proposed, appropriating solely to the benefit of the Irish Church all its existing revenues, we shall neither obtain peace, nor act ultimately for the harmony and advantage of Ireland. I believe that the Irish people have warm affections, and are strongly attached to those who confer any

benefit on them. Notwithstanding those outrages and acts of violence to which I referred in the commencement of my speech, it is a singular fact, that no traveller ever goes into Ireland who does not declare that he has been received every where, by the poorest peasant, not only in the most hospitable manner, but with the utmost friendly and open-hearted kindness. Those who do not belong to Ireland, but have lived in that country, have assured me, over and over again, that the gratitude, and the overflowing of the affection of the peasantry towards those who manifest kindness towards them, is very great. Such being the feeling, and such the conduct of that nation to individuals, the House has now an opportunity of earning that gratitude and making that affection its own, by asserting the principle for which I contend, and by thus doing justice to the people of Ireland. We have now the power of acting free from fear—free from any compulsion; there is no fear of foreign war before us, nor of civil war in Ireland. It is in our power at length to settle and gain the affections of that country, to silence the question of a Repeal of the Union, to gain the tribute of grateful homage from a people so warm-hearted, so eminently brave and loyal; while we shall, at the same time, have the satisfaction of reflecting, that in doing justice to Ireland we shall have contributed more, than by any other measure we can adopt, to the future prosperity of the empire, making her unconquerable by her enemies, and an example of religious liberality to the rest of the world. I shall now conclude by moving, “That the House do resolve itself into a Committee of the whole House, to consider the temporalities of the Church of Ireland.”

Sir *Edward Knatchbull* would not presume to occupy the time of the House in apologizing for the liberty he took in addressing them on a subject which was so important in itself, and in which he felt so deeply interested. If the noble Lord felt something like awe and diffidence, he at least participated as largely, if not more so, in those feelings, on approaching a subject of such paramount interest; but he would at once come to the proposition which the noble Lord had propounded, and state to him and to the House, the reasons why he could not accede to the Motion, and the course which he intended to take in opposition to it. He could not but

complain, that up to the moment of his entering the House that evening he was altogether ignorant of the precise course which the noble Lord designed to pursue. On a question of such immense importance, and on the decision of which so much depended, he must say such a course was greatly disadvantageous and inconvenient. Nor had it been for want of an opportunity of stating his intentions that the noble Lord contrived to keep the House in the dark as to the course he was to take, for his right hon. Friend (the Chancellor of the Exchequer) had inquired, and yet the noble Lord had left the House in ignorance of the course he meant to pursue. It was perfectly true the noble Lord had declared on Friday last his general intention, but he added, at the same time, that he should not be bound by the form in which he announced it, and that he considered himself at liberty to vary it as he should think proper. Now, he could not but think such a course of procedure was extremely objectionable; public men ought to bind themselves by their word, and especially in matters of that description. Any thing else was uncandid in the extreme. Besides, from the open and explicit avowal contained in the latter part of his speech, there was no reason why the noble Lord should have been ashamed to proclaim to the House and the country the precise tenour of his Motion. But not to dwell upon that point, and to come at once to the main question, he might take one of three courses in meeting the proposition of the noble Lord. He might move the previous question, or move a resolution counter to that which had been offered to the House, or, as it was his intention to do, he might offer a direct negative to the Motion. He refrained from moving the previous question, because he was anxious that neither the object nor tendency of this question should be concealed from the House and the country; and he believed if he moved the previous question, he should leave in some degree of obscurity the course which he himself intended to follow. Neither would he move a counter proposition, for he should then be placing himself precisely in the same predicament in which the noble Lord himself stood at the present moment.—affirming that prematurely which they were not in a state to determine. He did not state this as one of the grounds on which he meant to rest his objection, but as applying generally to

the course which the noble Lord himself proposed. He would at once openly, boldly, and decidedly express his opinion in the negative to the Motion of the noble Lord, and he trusted when the House heard the arguments he had to adduce, they would be prepared to concur with him in that course. He would ask the noble Lord, and he would particularly call the attention of the House to the point—what was the precise scope and object of the Motion? He wished the House to judge whether it had for its object solely, distinctly, and openly, the settlement of the question which it professed, or whether he had not rather availed himself of an opportunity for the purpose of trying what was a much more important matter in the noble Lord's view—the relative strength of the two parties in that House? It might have been doubtful, looking only to the first part of his speech, whether such was really the noble Lord's intention, but the expressions which fell from him in the latter part of his address, clearly and unequivocally placed the matter beyond the possibility of doubt. The noble Lord had referred to a declaration made by his right hon. Friend (Sir R. Peel) in an address to his constituents, and it was undoubtedly true that the intention was to make known by that means, not only to his constituents but to the whole empire, the principles on which the Government would be conducted. What, then, was the practical course which the noble Lord proposed to pursue if he succeeded in carrying this proposition? Why, he said he would present an address, for he anticipated the concurrence of the House—he would move an address to the Crown for no other purpose but in order to inform the Crown that the opinion of that House was directly opposite to that expressed by his right hon. Friend. That might be a right, reasonable, and legitimate mode of procedure, but in his judgment, at least, it would have been a more considerate—a more manly and a more consistent course for a statesman to pursue, boldly and at once to bring forward a Motion to the effect, that the House had no confidence in his Majesty's Government. But the noble Lord had not ventured to adopt that course; and by the resolution which he now moved, he proposed to do that indirectly which he had not the boldness to do in a direct and open manner. To the proposition of the noble Lord he must

withhold his consent on this distinct ground—he was not prepared to give his assent to the application of Church property to other than Protestant Church purposes. Such was his decided conviction; he would take issue on that point, and he was prepared to stand or fall by it. The noble Lord might talk as long as he pleased, he might refer to ancient history, tell them of proceedings had, and proceedings that he anticipated, but the gist and effect of the proposition was this, and nothing more—"I desire to take from the property of the Protestant Church of Ireland, which has more than she requires, and give it to the rival Catholic Establishment." And yet the noble Lord charged the Ministers with a violation of the same principles, because they conceded the re-distribution of the church property among Protestant clergymen. The noble Lord's argument was not valid in that respect. Was there no difference between taking property from one Protestant and giving to another for the purpose of promoting the original intention, and alienating that church property to the purposes which were quite contrary, and would only tend to the destruction of the establishment, by aggrandizing the Roman Catholic Church? On that point rested the whole question. He regretted very much, that a question involving so much religious feeling should have been so mixed up with political party animosity. He was perfectly ready to concede to others that free right to the exercise of opinion to which he considered himself entitled; for he was not one of those who presumed to think that he alone was right in his opinions. That was not the principle on which he had acted, it was not consistent either with reason or religion; but the noble Lord had brought this matter forward under such circumstances that it was impossible to be discussed without bitterness of feeling. He was at that moment placed very much in the same situation in which the noble Lords stood last Session when the hon. Member for St. Alban's (Mr. Ward) introduced the same question to the consideration of the House, and when the hon. and learned Member for Dublin afterwards brought forward a resolution pretty much to the same effect. Now what course did the noble Lord take on that occasion? Did he assent entirely to the proposition submitted by the hon. Member for St. Alban's? No, he dissented from it as inconvenient—as wrong in

principle. ["No, no," from Lord John Russell.] If he was in a mistake as to that point, he would take the liberty of reading the observations made on that occasion by the noble Lord. The hon. Member for St. Alban's introduced the Motion; the noble Lord opposed it; and yet he now introduced a Motion in character, circumstances, and leading tendency not very unlike. He would therefore call in aid the evidence of the noble Lord himself. The arguments used on that occasion it was competent for him now to use. What then did the noble Lord say in opposition to that Motion? "Two courses had been proposed—the first was to pass a resolution containing a general opinion on two or three matters of fact, and ending by calling on the House to affirm some abstract principles" The noble Lord knew not whether there would, in fact, be any surplus revenue after providing for the wants of the Protestant establishment; certainly, he was ignorant of the fact last year, for he had suggested the Commission of Inquiry for the purpose of ascertaining it; and, although he had gone into much statistical detail on the present occasion, he did not by any means know whether those statements were correct. He did not at all wish to impugn their accuracy, but he wished to know where the noble Lord had acquired that information, and why it had not been laid before the House? Was he to understand that the Commission issued by the Crown and sent to Ireland for the purpose of obtaining information which was necessary in order to guide their deliberations, had made their Report to the noble Lord? Either that was the fact, or the noble Lord had no better ground to rest upon than he had last year, when he thought it necessary, along with his Colleagues, to appoint that Commission in order to obtain further information. But the noble Lord went on to say, "The other course proposed was, to have a Commission of Inquiry; that was, that it was competent to Parliament to deal with the subject, and reserving to the next Session the practical measure to be proposed for remedying the abuses of the Irish Church. The first course suggested appeared to him a very bad one, and one which he entirely dissented from. It would be exceedingly imprudent, he thought, in the present state of things, to adopt a general resolution affirming an

abstract principle, instead of proceeding to a practical measure." He trusted the noble Lord, on re-consideration, would be of the same opinion still, and join with him in negating the present proposition. But there was another high authority on the subject.—[Mr. Ward: "Is it I.?" No! it was not the hon. Member for St. Alban's, although he did not, by any means, undervalue his power and authority. He alluded to the opinion expressed by the right hon. Member for Cambridge (Mr. S. Rice) on the same occasion:—"It was upon these grounds, he repeated, that he maintained that this Commission would give to the House and to the country all that hon. Gentlemen had a right to expect. Take either the Resolution or the Commission, but let the House not insist on taking both, for the combination of the two was one of the greatest absurdities that could be perpetrated. Was the House determined to decide first and examine afterwards? Was it because this was an Irish subject that the House was determined to act in so Irish a manner?" He hoped that those reasons, so conclusive to the noble Lord and his colleagues when in office, would, in the exercise of that liberality to which some persons thought themselves so exclusively entitled, induce the noble Lord to act on the principles he had before advocated, and concur with him in opposing the present Resolution. But he must advert again to what he stated at the outset of his observations; and he would call the attention of the House to the ultimate object of the noble Lord's proposition. That object evidently was to remove from their situation his Majesty's present Ministers. What the result of the Motion might be it was not for him to prejudge; but he knew this, that the Ministers would do their duty towards the Crown and the public on those principles which had been clearly and unequivocally declared by his right hon. Friend; and he should wait with perfect confidence for the decision of the House on the subject. But he implored the House, before they lent themselves to aid the views of the noble Lord, to consider what was to follow if they adopted his proposition. The noble Lord desired the formation of a new Government. Of whom was that Government, he would ask, to be composed? Was it to be headed by the noble Earl (Earl Grey) who had lately been the Prime Mi-

nister of England? And would his Administration include all the talent and character which originally belonged to it? He would not say anything against the entertainment of such a legitimate object: for many of those who were connected with that Government he felt personally the greatest respect; but of what materials did the noble Lord expect the new Government would be composed? Why, necessarily of the most discordant and disjointed materials which it was possible for the imagination of man to conceive. Before the noble Lord could hope to work out any practical results from the success of his Motion, should it prove successful, it appeared to be a matter of indispensable necessity that he should be prepared to organize a Government capable of carrying on the business of the country, and of giving effect to the great change which his proposition involved. He desired to know if the noble Lord looked for support in forming such a Government to the Members of that House, who were returned by certain constituencies in the sister island. If such were the intended course of the noble Lord—if he desired to place himself at the head of such a Ministerial body, backed by such supporters, it was to be presumed that his recollection must have altogether passed away of the fierce attacks which the late Government had sustained from the class of Members to whom he was alluding. He had no difficulty in saying, that, if the noble Lord depended on support from that quarter, he would find himself most grievously disappointed. There was no Government which would not find itself most grievously disappointed if it looked for support from that quarter on any other than on terms which were well known, and on which there existed between the noble Lord and the class of Members of whom he had been speaking an essential, and, for aught that appeared, an irreconcilable, difference. There was one question on which a material difference must exist between the opinions of the noble Lord and those whom he wished to support him; and that the noble Lord was well aware of that fact was clearly indicated by what fell from him at the commencement of the debate. He spoke of the Repeal of the Union, and deprecated it in general terms; but, at the same time, he said, that, unless what he called justice were done to Ireland, there would be

some ground for it. Who, he would ask, was to be the judge of what the noble Lord called justice? Was the hon. and learned Member for Dublin to be that judge? He had seen with sorrow and dismay the close union which had been formed between the noble Lord and that hon. and learned Member. He was fully willing to leave hon. Members in general to advocate whatever line of policy they might deem expedient for the country; but to see the Whig party in England—the Whig party, did he say?—no a section of the Whig party—coalescing with the hon. Member for Dublin, and those with whom he acted, was to behold an event most astounding to his mind. What was the doctrine which had been put forward by that hon. and learned Member, on one occasion, when he was addressing himself to the question of giving relief to the distresses of the country? “If the noble Lord,” he said, alluding to the then Chancellor of the Exchequer, “wished to grant relief to the people, let him strike off one per cent. from the interest of the national debt. That would afford the people relief to the extent of four millions and a half.” It was with a gentleman who proposed this mode of relieving the country that the noble Lord was now coalescing. It was he to whom the noble Lord looked for support now. Strike off one per cent. of the national debt! Was the Governor of the Bank of England—was that hon. Gentleman, placed in the important and conspicuous situation which he filled, prepared to act in unison with a Gentleman advocating such a proposal? The fact was this—that the objection of the noble Lord, and those who acted with him, was not to the measures of the Government, they had some personal dislike to the men who composed it. Any specific charges brought against any one Member of the Government, whether his right hon. Friend or any one else, they had had no difficulty in rebutting; and all their measures had been received with approbation. Take the Irish Tithe Bill; no objection had been urged to the measure which they had proposed; he understood from all the information which he had received, that it was incomparably better than that of the late Government. Then, take the Dissenters’ Marriage Bill,—had any objection been made to that? No sort of objection had, indeed, been made

to any measure introduced by his Majesty’s Government; the only objection urged consisted in this, that his right hon. Friend was charged with introducing measures precisely similar to those which Gentlemen on the other side of the House had themselves brought in. The only difference, indeed, between the measures of these Gentlemen and the measures of his right hon. Friend amounted to this, that the former were found impracticable in their operation, whilst those of his right hon. Friend held out the best hopes of being effectual, and of being well received by the country. Then, again, he might allude to the English Tithe Bill, and also to the measures for Church Reform. He must remark, however, that the noble Lord throughout his speech while he spoke largely of the defects of the Church in Ireland, had imputed to the Government an indisposition to agree to any measures which might remove those defects. If the noble Lord would only take the trouble to refer to declarations of his right hon. Friend upon record, as having been made last Session of Parliament, he would find in them a most unquestionable and distinct assertion, that his right hon. Friend was perfectly willing and ready to do everything which he could do, even when out of office; and he was sure his right hon. Friend would be equally ready to do everything while in office—to remove from that Church any blemish or defect existing in it. The noble Lord had spoken generally of the condition of Ireland, and had lamented the scenes of violence and bloodshed which that country unfortunately exhibited. Did the noble Lord imagine that his Majesty’s Government were indifferent to that state of things? Did he suppose that the accounts which were here received of murders, and disturbances, and violations of the law in many shapes, as occurring in that part of the United Kingdom, were received by them with feelings less sorrowful than those which they excited in his own mind? Could they hear of “Rathcormac,” and not be to the full as willing as the noble Lord to do all in their power to prevent the recurrence of such unfortunate events? He would venture to say, that if certain Gentlemen in that House would only do that which he knew the noble Lord had no objection to do—abate that system of agitation which had been for a long time past in

existence, he should entertain a confident hope that a better spirit would prevail in that country. He need not trouble the House with any further observations. He opposed the Motion on this principal ground—that the adoption of the principle contained in it—the appropriation (as the noble Lord and other Gentlemen termed it) of church revenues to other than Protestant Church purposes, would lead to results, which he held would be inconsistent with the existence of the Church Establishment in Ireland, which would tend to the separation of Church and State, and tend also to raise in that country a feeling of hostility towards the Protestants who did form a minority of its population. And let him observe, that the noble Lord in speaking of the state of Ireland, and the measures which ought to be adopted in reference to it appeared to have forgotten that there were Protestants in that country as well as Catholics. Let them do justice to them, at all events. Let them not adopt measures which, in his humble judgment, would place that country in a situation infinitely worse than any in which it had hitherto been placed. He had now expressed distinctly the course which he meant to pursue; and he trusted that the House would agree with him in the propriety of rejecting the Motion.

Mr. Ward said, that he should not follow the example of the right hon. Baronet, who had just addressed the House, by converting one of the greatest—if not the greatest considering all the varied and complicated interests which it involved—of all the questions which could possibly come under the consideration of the Legislature into a tissue of mere petty personalities. It was with feelings of deep concern, that he had used an expression which might be offensive to the right hon. Baronet; but really, when he saw a Minister of the Crown rising in that House at the commencement of such a discussion as the present—a discussion which he himself stated to involve a vital question, and yet not touching upon that question—negativating at once a proposition, but negativating it without discussing it—giving them a sort of manifesto in favour of his Majesty's present Government—talking to them of the Dissenters' Marriage Bill—of the Irish Tithe Bill—(of the Church Reform Bill—of which he (Mr. Ward) believed, that

they literally knew nothing, except that a paper, considered to be the organ of the Church, had pronounced it to be one of the worst possible Bills—a circumstance, he must confess, rather in favour of the right hon. Gentleman opposite, when he heard the right hon. Baronet talking on all these subjects, and not touching once on the real Question, he felt, certainly, that it was necessary to express strongly his sense of such a course of proceeding. He should address himself at once to that Question. He admitted, that the right hon. Baronet had fairly stated the case. He had stated it fairly on this one point—that this was a trial of confidence, or no confidence in his Majesty's Government. It was a trial of confidence or no confidence, resting on the greatest principle that could possibly come under discussion in that assembly. On that point, the right hon. Baronet had, indeed, stated the case fairly—on every other point he had made no statement at all. If he could have felt anything like regret in yielding to the wishes of his friends and to his own desire of promoting the settlement of this great question, by placing it in the hands of the noble Lord who acted as leader of the party with which he was connected, he could assure the noble Lord that that feeling would have been changed into one of sincere gratification by the speech which he had delivered that night—a speech which identified the principle which it had been his (Mr. Ward's) lot to advocate under less auspicious circumstances, with the interest, with the existence he might say, of a great and enlightened party in this country. Hon. Gentlemen opposite might smile, when he said that he had advocated that principle under less auspicious circumstances. The fault was partly his own, and he owed an apology to those hon. Gentlemen who differed from him, not in point of principle, but in point of time, for having forestalled a discussion which they had weighty reasons for considering premature. He had always held that though minor differences might be compromised, the same course could not be pursued when the question regarded a fundamental principle—one of those principles which ought to characterize the policy of a Government and give the tone to its whole system; he felt, also, that nothing could be more fallacious than to suppose that great differences of opin-

ion could exist between the Members of a Cabinet without striking at the root of all confidence in the Government. It was to that state of uncertainty that he wished to put an end by his resolutions of last year; the speech of the noble Lord that night proved that he had effected his object. The House and the country must henceforward choose between the principle laid down by his noble Friend, and that advocated by the right hon. Baronet opposite. The principle of the right hon. Baronet was, the total inalienability of Church-property to other than Ecclesiastical purposes; the principle laid down by the noble Lord was, that Church-property was applicable to all such purposes of general utility as Parliament in its wisdom might determine. That principle the noble Lord did not state, as an abstract proposition; he did not state, in the terms of his (Mr. Ward's) resolution of last year, "that it was right the State should regulate the distribution of Church-property in such a manner as Parliament might determine;" but he assumed that right, and called upon the House, in the exercise of it, at once to proceed to a different appropriation of Church-property, and divert a portion of that property from the purposes to which it was at present devoted—supposing that by the Report of the Commission, a surplus should appear to exist—to purposes of general utility, and from which every class of his Majesty's subjects in Ireland might derive advantage without distinction of sect or creed. He was no stickler for abstract propositions; he cared not in what shape the Resolution might be put, provided that principle were clearly and distinctly avowed. They might take as the object of the new appropriation what they pleased—education or charity—or whatever a British Legislature, acting as he hoped they always would act, on the principles of strict morality, and justice, could determine to be a desirable object. He looked simply to the right of interference on the part of the Legislature; and he thought that in whatever shape the noble Lord's proposition might be put, there was no one who could vote for it who did not distinctly recognise a right inherent in the State to deal with all Corporate-property, whether Ecclesiastical or civil, in such manner as the welfare of the community might require; and thus to accommodate the institutions in Church and

State to those changes which time and the progress of society must inevitably render necessary. For that principle he held that every man must vote who voted for the Irish Church Commission last year, for it was on that principle that the Commission rested; no man could vote for that Commission who had not agreed in the right to purge and restore the State by good and wholesome laws, and in the right equally to amend the Ecclesiastical Establishments. He should be told, perhaps, that those who asserted that doctrine ought not to proceed to exercise the principle involved in it without any report of the Commission before them. He admitted that there would be some force in that objection if the noble Lord, the Member for Devonshire, had asked the House to proceed to any specific appropriation of any specific portion of the Church revenues; there would be an inconsistency in those who thought a preliminary inquiry indispensable last year, concurring in any such vote now. It was on the ground of the necessity of inquiry alone that difference had arisen between himself and a number of gentlemen who concurred in the general principle which he entertained respecting the Irish Church—who concurred in thinking that the revenues of that establishment were exorbitant; and in thinking that, if they continued undiminished, the establishment would remain a constant source of irritation and agitation—just agitation he would say—and just disturbance—yet who refused to concur with him in affirming that proposition without a previous Commission of Inquiry. For this they must wait before they could determine the details of the measure which they would ultimately adopt; but they were not bound to wait for it in order to determine the principle of the measure. That was all the noble Lord asked. He asked the House only to assert that they would not perpetuate those evils which the Commission of last year was intended to remove, but would, by announcing the principle on which they intended to proceed henceforward in legislating for Ireland, hold out to the people of that country that promise of approaching relief, which he believed in his conscience to be the only means of putting a stop to a state of things in Ireland not more injurious to the welfare of that country than to the character and stability of the empire at large. If this

principle were not laid down *in limine*, it would be cast at their feet as a bar to all subsequent proceedings—as a bar to all those practical reforms which they desired in the Universities, in the municipalities, and in other institutions. They all rested on the same ground—namely, that property in mortmain is the property of the State, and that the State may exercise a legislative jurisdiction over it whenever a case of necessary interference occurred. He admitted that the propriety or the impropriety, the justice or the injustice, of the interference, depended on the circumstances of the case; he admitted that when our religious establishments were concerned, they should be particularly cautious in the mode of interference. He admitted that hundreds of considerations of mere political expediency might justify dealing with Corporations which would not justify tampering with the Church; but he asserted just as distinctly that the right was the same in the one case as in the other. To this double question, of the existence of the right in the fullest possible extent, and the circumstances which called on them to exercise it in Ireland, he should address himself: and first, as to the existence of the right. If there was no right, interference was nothing but spoliation; and of that he never had been, and never would be, the advocate. The noble Lord had quoted a passage from Burke, which recorded, he (Mr. Ward) believed, the doctrine contained in his opinions on this question in the strongest possible terms; it was that in which he stated that we had by our law so incorporated and identified the Church with the mass of private property in this kingdom, that one was at least as inviolable as the other—if Church-property did not possess a character of superiority and inviolability. These opinions, backed by the authority of Burke, and by the follies which were perpetrated in every country in the name of Liberty and Reform, long passed current among us; the man who ventured to doubt them at the close of the last century was denounced as a Jacobin and little better than an Atheist. He was denounced by Burke, in his own emphatic language, as “A man of a cold heart, and a muddy understanding! One of the new-light and reason philosophers! A wretch whose sophistry not the syllogism of the logician but the lash of the executioner should refute.” He

thanked Heaven that the time was gone by when any man could venture to denounce another in terms like those for differing on one of the most difficult questions which could come under the attention of the Legislature, namely, the circumstances which justify the interference of the State with property of any kind; and the point at which the line must be drawn, which represents that species of property with which the State may interfere, from that with which it cannot interfere, unless in one of those peculiar emergencies in which the very existence of the commonwealth is at stake, and in which every other consideration gives way to the instinct of self-preservation. He believed that this constituted, exclusively, the difference between corporate and private property. Private property was one of those fundamental acts which constituted society—it was the band of society itself. “But the acts which form and endow Corporations, are subsequent and subordinate. The property of individuals is established as a general principle, which seems coeval with society itself; but bodies—whether Ecclesiastical or civil—are instruments fabricated by the Legislature for a specific purpose, which ought to be preserved while they are beneficial, amended when they are impaired, and rejected when they become useless and injurious.” These are the words of a great authority—they are the words of Mackintosh, who fairly beat Burke in the field of argument on this point, and was the first to recall the attention of his countrymen to the principles of common sense. His opinions about the clergy were equally well known; they were sound and explicitly expressed. He said: “No other class of public servants are proprietors. They are salaried by the State for the performance of certain duties. Judges, kings, soldiers, are all paid by the State; and so are the clergy, where there is an Established Church. They are paid for public instruction. The mode of their payment is indifferent to the Question.—A territorial pension is no more property than a pecuniary pension. Because the State has intrusted its Ecclesiastical servants with a portion of land, as the source and security of their pensions, they are not more the proprietors of it than the other servants of the State are of that portion of the revenue out of which they are paid.” He proceeded to draw a difference

between the rights of private and Church property, "The lands of the Church, said Sir James Mackintosh, are not even pretended to be held for the benefit of those who enjoy them. This is the criterion between private property and a public pension. The happiness of the individual proprietor is the object of the first, and he possesses, consequently, as the best judge of his own happiness, the most unlimited powers of enjoyment, alienation, and even abuse. The lands of the Church have none of these attributes. They cannot be alienated, or abused, or bequeathed. The clergy are merely intrusted with the administration of those lands from which their salaries are paid." In these opinions both Warburton and Paley concurred; and Bishop Watson expressed himself similarly, saving always the rights of existing incumbents. He said—"There is no injustice in altering either the value of the benefice, or the mode of raising that value, when the property of the benefice reverts as it were to the State upon the death of an incumbent; but there would be injustice in compelling the present incumbent of any Church to accede to a change of property which he disliked."—Mr. Hallam stated the same principle.—Lord Brougham, in 1825, argued that, "There was no sort of analogy between Church property and private property, which should lead to the conclusion that the former possessed the same sort of inviolability as the latter. The Church received its property for the performance of certain services; but private property was held unconditionally." He illustrated this by saying, with reference to the Irish Church. "By taking away the property of an individual, he was deprived of the means of providing for his wife and children. But if the Legislature were to say to the priest of some parish, containing 500 Catholics and one Protestant, 'after you are dead, there shall be no longer any parson in this parish,' who would be injured by this? A person who never enjoyed it!" "Bacon held the same doctrine, 200 years before, when he said—'As the realm once gave tithes to the Church, so the realm, since again, have given tithes away from the Church, unto the King.'" The same line of argument had been taken recently in two works, both entitled to some consideration. One to which he alluded was a pamphlet entitled "An Essay on National property,"

attributed to Mr. Senior. The other was an article upon Church property in the *Edinburgh Review*, with the author of which he was unacquainted, but it was the work of a most comprehensive intellect. Two other names he would bring forward—inferior certainly to none in political lustre and moral worth. The first was the name of Lord Grey, who, in a discussion which arose on this very Irish Church Commission in the House of Lords last year, stated his opinion in regard to the rights of the State as affecting the property of the Church in the strongest possible terms. He said—"The Commission is issued with a view, if you will, to a different appropriation of the revenues of the Church."—"The rights of the present possessors I will hold sacred; but I maintain that the property of the Church is a subject for the exercise of the discretion of Parliament."—"If there is a surplus, I avow the principle, that the State has a right to deal with that surplus, with a view to the exigencies of the State, and the general interests of the country,"—The other name to which he alluded, was that of the right hon. Baronet, the Chancellor of the Exchequer, who certainly was high authority to the principle, though in a somewhat modified shape, by becoming the advocate of the doctrine of distribution. He said—"The time was come when we must consider whether we could not facilitate the propagation of divine truth, and extend the means of divine worship, by a different distribution of the funds of the Established Church." It was utterly impossible, however, to re-distribute without a great change in the appropriation; and the argument on which that re-distribution depended, though perfectly sound and convincing if the Church were one great corporation, holding property as common funds, was not so when it was considered that the Church was not one corporation, but a series—a bundle of corporations, with distinct funds. He knew not what was the nature of the intended plan of Church Reform; if it were to go to the expected length—to that length which would satisfy the people—to the equalization of bishoprics, and the making provision for the working clergy out of the surplus funds of the Cathedrals and chapters, there would be such a great, such an extraordinary, change of appropriation effected by that distribution, that he thought the right hon. Baronet himself

must recognise the principle for which he was then contending—namely, that there was a distinction between the rights of the Bishops and the rest of the clergy, as proprietors, and other individuals; and the right hon. Baronet must admit, as a necessary consequence, while the latter could not be touched, that there were no bounds to the right of interfering with the property of the clergy, except those imposed by a consideration for the public welfare. The right hon. Baronet could not advocate the doctrine of re-distribution without getting involved in the dilemma which had been so forcibly depicted in the work which he had referred to, the *Edinburgh Review*. "Either there is an essential difference between corporate and private property, or there is not. If there be this difference,—where is the injustice, or the danger of interference? If there be not this difference, how can interference, in the shape of re-distribution be justified; since as a precedent it would be equally dangerous? If this precedent were applied to private property, where could the line between re-distribution and confiscation be drawn? Re-distribution would, in fact, be neither more nor less than an Agrarian law." If the right hon. Baronet were prepared to carry out these extensive principles of Church reform, he could only do so by a most extensive system of re-distribution. He (Mr. Ward) did not object to that; but if the right hon. Baronet adopted that principle, the opinion expressed by Burke must weigh as nothing in the scale with the right hon. Baronet. Burke had said, "When once the Commonwealth has established the estates of the Church as property, it can, consistently, hear nothing of the more or the less. Too much and too little are treason against property." He had said, on a former night, that, although re-distribution might, and he had no doubt would, be effectual in England—although it might satisfy every honest Church reformer in this country, still he thought the distinction between Ireland and England to consist in this—that in Ireland re-distribution would not be of the slightest use; it would not remove one fraction of the burden which pressed now on the people; it would not allay in any degree the irritation then subsisting. He did, therefore, hope that the House would look to the situation of Ireland in a calm and dispassionate manner, and

consider whether it was not in their power by asserting the right of interference, to put an end to those evils which their own obstinate adherence to ancient principles in regard to Church property, had entailed on it. He came now to the question of what were the circumstances in the case of Ireland which called for that interference on their part, and in what manner her situation could be ameliorated by a reduction of the Established Church. That was a wide question, and one on which he had entered to such an extent last year, that he hoped the House would allow him to allude to some statements which he had then made in order to give himself the advantage of commencing the present argument from a more advanced stage. Many of those statements had been alluded to by the noble Lord, and to those he should not refer. He stated then, as the result of the best information which he could acquire, the following facts:—The population of Ireland was 8,000,000, of whom the Episcopalian Protestants were one in fourteen, or about 600,000. The revenues of Protestant Establishments, including Tithes, Glebes, Bishop's Lands, &c. amounted to 937,456*l*. The Army kept in Ireland, averaged between 1825 and 1832, from 19,000 to 23,000 men. The Police Force cost annually 300,000*l*. The number of Tithe Processes, from 1817 to 1821 was in Ecclesiastical Courts, 3,418 By Civil Bill Process, 89,905, making an annual average of 80,000. The grants since the Union to Charter Schools amounted to 1,378,369*l*., for Glebes, 234,415*l*. The number of resident and non-resident clergy during 1814, was 644 resident, and 543 non-resident; in 1817, 65 resident, and 544 non-resident; and in 1819, 758 resident, and 531 non-resident. He had referred, during the last year, to the authority of Lord Charlemont, Grattan, Pitt, Burke, Fox, and Sir James Macintosh, as authorities in favour of his view of the question. A constellation of the brightest names of which this country could boast. He added to these the names of the right hon. Gentleman, the Member for Cambridge, the right hon. Baronet, the Member for Dundee, and that of the late President of the Board of Control, beside those of a host of Irish Members. All these men were practically conversant with Ireland, and all concurred in the views which he (Mr. Ward) had upon the occasion to which he referred, endeavoured

to lay before the House. He would take the liberty of reading to the House an extract from a speech of a noble Lord who was a Member of Earl Grey's Government. He alluded to Lord Stanley, who, in speaking of the tithe system, in the year 1832, had summed up its consequences, with his usual ability in the following manner. "The resistance to tithes was almost universal in Ireland. It extended to the Protestants in the north, as well as to the Catholics in the south. The seeds had been long sown, and were deeply rooted. Every system which could mark a determined opposition on the part of a whole population—acting as one man against the imposition of a legal due—had been developed upon this occasion. No process could be served—no attorneys would act." Nothing could be farther from his intention in quoting that passage, than to attribute to the noble Lord (the Member for Lancashire) any concurrence in his (Mr. Ward's) opinions upon this question. He knew on the contrary, that the noble Lord had with that high sense of honour, which always distinguished him, dissolved the earliest and dearest connexions of his political life, rather than adopt that principle. Still he could not avoid recurring to the speech which he had just quoted, as evidence to show the extent of the evils resulting from the present position of the Church Establishment in Ireland, and in order to prove, that whatever might be the abilities of the Minister who attempted to sustain that Establishment in its present shape—however great might be his energies, and however admitted might be the confidence reposed in him by the House of Commons (and unbounded was the confidence which that House certainly reposed in the Minister of whom he had spoken), no man could pretend to carry on the Government in such a manner as to meet with the wishes of the people and their Representatives, without resolving to take into consideration the system itself. It was to the system the Legislature must look; it was at the system the Legislature must strike. If they wished to extricate themselves from the difficulties in which they were then involved—if they wished to put an end to a state of things under which they were continually called on for grants out of the public purse to enable them to enforce a law which they had not the moral courage to repeal, and all this with-

out procuring peace for Ireland, or restoring the confidence of the people in the Government, but pursuing a course of legislation, the result of which must be to add contempt to a hatred of our Legislature—a consequence which must inevitably follow from the continuance of a system which must be abhorrent in any country possessing a particle of freedom, and where those measures only which are founded on the eternal principles of justice and truth could be received with gratitude. If, he repeated, they wished to escape the manifold evils inherent in the existing system, they could not hesitate to affirm the principle involved in the Motion of the noble Lord. He should, perhaps, be told, that he was begging the question; he should be told, that the Gentlemen on the other side of the House were prepared to act on the principles of justice and of truth. He should, he dared to say, be reminded, that the question of commutation of tithes being adjusted, the Government would be enabled to enforce the law with the occasional assistance of the army. He did not believe that any Bill for commutation would be of the slightest avail to Ireland, unless they changed the appropriation as the accompaniment of the act. They might exempt the clergy from actual collision with the people; but they only transferred the odious responsibility of the collection from the clergy to the landlords. No one could expect that the landlord should make a sacrifice of the amount of tithes due from the land. He must ultimately come on the tenant for the payment of the tithes; and his claim would be resisted on the same grounds as those now urged, namely, that the money called for would be appropriated to the maintenance of a Protestant Church Establishment. They would be obliged to give him the same support as that which the clergy were now compelled to seek from the army; and they might be prepared to see more Rathcormac scenes—the landlords, instead of the clergy, being the immediate cause of their enactment. He did not wish to be considered as referring to Rathcormac with any party view or object; he did not wish to cast the slightest imputation on those who were unfortunately implicated in that transaction—and particularly as their conduct was likely to become the subject of judicial inquiry; but he must be allowed, as a man and as a Christian, to enter his protest against a

system which could, by the remotest possibility, in the 19th century, produce such results, and couple those results with the name of a religion established for the purpose of inculcating the doctrines of mercy and of peace. He had, too, referred to the massacre at Rathcormac, in a House, the Members of which expressed their opinions of the conduct of foreign Powers in no very measured terms, whenever they acted in a manner at variance with our received notions of justice and right. He remembered on one memorable occasion, that the recital of the sufferings of the Poles created a burst of indignation in that House, to allay which it required the most energetic efforts of several hon. Members, to whom he need not more particularly refer. He would ask them to reverse the case, and to imagine themselves sitting in Russia, Prussia, or France—in which countries the most enlightened equality prevailed with respect to religious opinions, and where no unjust distinctions were drawn on account of any difference in the tenets of the different classes of inhabitants—and to suppose the hon. and learned Member for Dublin descanting upon the grievances to which the Catholics had been subjected for the last 300 years, in order to prop up and maintain a Church opposed to their feelings and opinions. He might, in his history of the wrongs which Ireland had endured, tell such an assembly as that which he just mentioned, of the existence and nature of the penal laws; and this was a topic which required no eloquence to impress it upon the minds of his auditory; nothing could add to the force of facts in reference to those laws. He might simply tell them, also, that a Church was maintained by the support of 7,000,000 of people, from the doctrines of which they dissented, and which directly, or indirectly, was the cause of all the sufferings and misery which the people of Ireland endured. Let them be told, that at this day, the laws with respect to tithes were so rigorously enforced, that upon one occasion nine human beings were sacrificed by what was termed law, in order to enable a Protestant clergyman to collect 4*l.* 10*s.* of tithes. He might just touch upon the story of the widow—her joy, when, upon looking at the first of the bodies of the slain, she discovered that it was not that of her son, and the heart-rending account which she gave of her feelings, when, upon turning over the

second body, she found that her suspicions were well founded. Let the injustice of other countries, then, be no longer talked of, when such damning proofs of the most palpable injustice were to be found amongst themselves. Would this injustice be diminished by transferring from the clergy to the landlord, the odium of collecting tithes? No; his claim would be resisted with as much firmness and perseverance, as was that of the clergyman at present; and they must support his claim by armed force. Whilst upon this point, he would read an extract from Mr. Burke on the folly of attempting to reconcile the people to grievances, by having recourse to military power:—"Where grievances exist, the complaint or its causes, ought to be removed; and wise and lenient acts should precede measures of vigour. These ought to be the *ultima*, not the *prima*, not the *tota ratio*, of a wise Government. God forbid, that, on a worthy occasion, authority should want the means of force, or the disposition to use it? But where a prudent and enlarged policy does not precede it, and attend it too—where the hearts of the better sort of people do not go with the hands of the soldiery—you may call your Constitution what you will; in fact, it will consist of three parts (orders if you please)—cavalry, infantry, and artillery—and of nothing else, or better!" But he should be told, that if commutation were to be carried into effect, they would have the better portion of the community with the Legislature, and that the Government might be enabled to compel the collection with the aid of the soldiery, backed by the feelings and wishes of the greater portion of the community. Now, upon what authority did that assertion rest? He found a very different opinion expressed in a letter which was generally attributed to the Marquess of Anglesey, and which he had no hesitation in referring to, because he believed it had appeared in the public prints, and was allowed to be authentic—It was in these words:—"If the present system be persevered in, the King's Government will soon be left in Ireland without any other party than the King's troops. The Establishment, which at all times far exceeded the wants of the Protestant congregations, has hitherto been upheld by the State, mainly on the ground, that it served the temporal use of consolidating the connexion between the two countries. But this service it no longer

performs. Instead of strengthening the connexion, it weakens it. Any Government henceforth pledged to maintain that Establishment, must be brought into constant and permanent collision with public opinion, and with the prejudices and passions of the Irish people." Again, the noble Marquess said, "A strong impression has been forced upon me, that no measure of adjustment, however satisfactory in other respects, will perfectly meet the emergency, which does not include such a gradual reduction of superfluous members, as shall, finally, bring down the numbers of its dignitaries and officiating ministers to a scale commensurate with the religious wants of the Protestant community." That opinion was founded upon a deep knowledge both of human nature, and of the Irish people. Lord Anglesey knew how inseparably the Protestant Church in Ireland had been connected in the minds of the Catholic population, with the remembrance of all those acts of legislative oppression, which history would, one day, bring up in judgment against England. He knew that religion had been the cause, directly or indirectly, of nearly all the political laws which afflicted Ireland—that, upon the plea of religion—a code justly termed the "slave code," was established; of which Burke said, that it differed, and to its disadvantage, from every other system of religious oppression, which the world had previously witnessed. Under this system, which almost made him blush for the name of Englishman, the Catholics were doomed to exist for many years, subject not merely to the specific disabilities which the law itself imposed upon them, but subject, moreover, to all the injustice, to all the irritating, galling, maddening acts, of local oppression, the inevitable consequences of a policy, which established a favoured sect, and a proscribed sect, by the law of the land, and armed one with undue power, while it consigned the other to hopeless degradation. Under this system, priest-hunting became a fashionable amusement—under this system, as recently as the middle of last century, the Irish Parliament passed a law of so atrocious a nature, that it was always designated the Nameless Statute; a Statute inflicting upon every Catholic priest, arrested within the realm, a penalty at which human nature recoiled, but which men, calling themselves Christians, were not ashamed to sanction. This Act was

sent to England, and was only prevented by the influence of Cardinal Fleury with Sir Robert Walpole, from becoming the law of the land; but it was upon record, that, when it was rejected, an English Lord-lieutenant was found base enough to condole with the Irish Parliament on having been foiled in this disgusting and atrocious enactment! He alluded to the many faults and crimes recorded by history, as marking the course of policy which this country had pursued towards Ireland, not for the purpose of reviving old animosities, not to open old wounds, but in order to show the utter impossibility of the Catholics of Ireland being ever reconciled to the Government of Great Britain, whilst it was inseparably connected in their minds with wide-spread suffering and humiliation. The very introduction of the Church Establishment into Ireland, was founded upon a legal fiction: it was based upon the supposition that the same relations existed between the Church and the people—between the pastors and their flocks—as those which prevailed in reference to the Church of this country; and without which, an Established Church must be received, not as a blessing, but a curse. "To suppose," as Lord Bacon says, [*Laughter.*] Where he was corroborated by what were upon most questions considered high authorities, in the opinions which he ventured to pronounce, he thought he had, upon such an occasion as the present, as good a right to refer to the sentiments of those from whom he had quoted, as the right hon. Baronet had, when he thought it necessary to support his arguments on the Dissenters' Marriage Bill, by an appeal to several authorities which he considered favourable to his view of the question. He would, then, with the permission of the House, refer to the opinions of Bacon:—"To suppose that men should live of the flock that they do not feed, or of the altar at which they do not serve, is a thing that can hardly receive just defence." And yet this was precisely the system which had been upheld at the point of the bayonet, in Ireland, for nearly 300 years. It was the system for which, according to Lord Clare, 11,500,000 of acres, out of the 12,000,000 which composed the surface of the country, had been confiscated. If they went back to the earliest period of the history of the Church in Ireland, they would find that the people of that country

kept aloof from its ministers, and refused their adhesion to its doctrines. How different were the circumstances which attended the period of the Reformation in the two countries. The people of England were imbued with the doctrines of the Reformation, before the transfer of Church property took place. In Ireland there was no such preparation to induce a willing concurrence in the tenets and establishment of the Church of England. In England, the performance of the worship of the Church, was conducted in a tongue which its members understood: in Ireland, the adoption of a foreign language was forced upon the people, in place of that in which their worship was celebrated, which, although it was a foreign one, was nevertheless closely associated with their history and their religion. In England, as would be found by the authority of Archbishop Usher, the tithes were divided into four parts, amongst which, he need scarcely remind the House, were the building expenses of the Churches and the support of the poor; in Ireland, after the Reformation, the people were obliged to pay for the erection of the Churches by Vestry Cess, and the poor were discarded from the precincts of the Church. How, then, could a Church which was not submitted to, or joined, through the force of reason and argument, be considered by the people as anything but a badge of conquest, forced on them by a superior power, which it was but natural they should determine to throw off at the first favourable opportunity, and had anything occurred since to modify these feelings? It was unnecessary for him to dwell upon the utter inability of the Government, at the present day, to collect tithes. The right hon. Baronet had the other night admitted the incompetency of the Government to attain that object. He should say no more, therefore, in reference to that question. But he would ask if the number of adherents to the Established Church had increased, and the number of Catholics diminished? In arguing upon this subject last year, he had adduced some facts, with respect to which he hoped he might be permitted to say, that all the information which he had since received, tended to confirm him in the opinion which he had then expressed. He regretted that he could not read from the papers which he had collected, but was obliged to depend upon his memory for

the facts which he was anxious to bring under their notice. He had received from the hon. Member for Kildare, returns from the whole of the diocese of Ossory, by which it appeared that there was, on an average, but one Protestant to every nineteen Roman Catholics in that diocese. He had been further informed that in some parts of that diocese, the proportion varied from one in forty-five, to one in 471; and that the whole number of the Protestant population was 10,433, and of the Roman Catholics 198,781. Was he not justified, then, in asking if there was anything resembling such a system in any other part of the world? Take the Protestant States, take Catholic ones, take America or France, or Scotland, or even the north of Ireland itself, and it would be found in every instance, that the remuneration which the clergy received was always proportioned to the religious services which they performed for the people. In Ireland alone was this rule departed from; and never until they established that relation upon its proper footing, until they reverted in fact to the principles of common sense, could they succeed in governing that country with credit or satisfaction. Gentlemen might talk of the essential protestantism of the Constitution, and of the necessity of maintaining a Protestant ascendancy, but he would remind them that Burke said, fifty years ago, that no words had done so much mischief to Ireland as Protestant ascendancy. One hundred and fifty years ago Protestant ascendancy might be supposed identical with the civil rights of the community, but that was not the case now. There was now no connexion between the Catholic religion and a Catholic Pretender to the Throne. Since the passing of Catholic Emancipation it could not be said, that the preservation of the Protestant ascendancy was essential to the maintenance of our civil rights. The right hon. Baronet opposite had effected by Catholic Emancipation, one breach in the Constitution of 1688—a breach in that system under which Ireland had so long groaned, and for his conduct upon that occasion the right hon. Baronet had his sincere gratitude, and he was satisfied, the lasting thanks of his country; but, he would ask, whether the reasons by which the right hon. Baronet had justified his change of opinion upon the question of Catholic Emancipation were not strictly applicable

to the subject of the present discussion? The noble Lord (Lord John Russell) had before appealed to the authority of the right hon. Baronet upon the question which he had just named; but he hoped he might be permitted to call the attention of the House to another extract from one of the right hon. Baronet's speeches. It was as follows:—

"The opinions he had heretofore expressed on the Catholic Question, he still retained; but he must say, that looking to the position of the Government of the country—looking to the position of the Legislature—looking to the disunion which had prevailed on this subject in his Majesty's Councils—looking to the disunion which for several years had marked the proceedings of the two branches of the Legislature—and looking to the effect which all these causes had produced upon Ireland—he must say that there appeared to him to be sufficient reasons to accept of almost any alternative, rather than endure their continuance."*

Let them follow the argument, and they would find that throughout no other sentiment was expressed than this.

"That things could not, and ought not, to remain as they were;" "that no Government could be formed on the principle of permanent resistance;" "That there was not the least chance that such a Government could carry through Parliament those measures, which a rigid adherence to the principle would render necessary;" and that, "if permanent resistance to concession were impossible, there only remained one alternative, namely, a consideration of this important question, with a view to effect such a settlement of it as should be satisfactory to all parties."†

How forcible, how strikingly applicable was that language to the present position of affairs. It was impossible to form a Government on the principles of resistance. No such Government could hope to carry any measures upon such a principle through Parliament. Would the people of England grant a million every third or fourth year, in order to uphold the Irish Church, or would they wage a civil war in its behalf? There was no other mode of sustaining it. The task was hopeless, even if the object were necessary or just. But where there was neither necessity nor justice in the case, they might as well attempt to change the laws of gravitation, as to induce the people of England to concur in it. There

were one or two other points to which he would then refer. The main argument against his proposition last year was that which was based upon the articles of Union between the two countries. He contended, that those articles were confined to the doctrines and discipline of the Church; his opponents contended, that they applied to the temporalities of the Church. He was firmly persuaded he was right. The articles which were first drawn up did embrace the temporalities, and were conceived in the following words:—

"And that the doctrine, worship, discipline, and government of the said United Church, shall be preserved as now by law established for the Church of England; saving to the Church of Ireland all the rights, privileges, and jurisdictions now thereunto belonging."

Upon this article Mr. Pitt observed, in his speech on April 21st, 1800:—

"The prosperity of the Church of Ireland never can be permanent, unless it be part of the Union to leave, as a guard, a power to the United Parliament to make some provision in this respect beyond any act of their own which can now be agreed upon."*

The House was of that opinion, and the guard was left: for, in the Act of Union, as finally agreed, the reservation of the "rights, privileges, and jurisdictions," was omitted. Nor could he find in the debates the slightest indication of any difference of opinion on the point. Neither was Mr. Pitt's object concealed. He said it was

"To leave Parliament an opportunity of considering what may be fit to be done for his Majesty's Catholic subjects, without seeking at present any rule to govern the Protestant Establishment, or making any provision upon that subject."†

In the address of the two Houses to the King, on May 12th, 1800, were the following words. The proposition was adopted with debate, and "with the few alterations and additions which we have found it necessary to suggest, we consider these resolutions as fit to form articles of Union between Great Britain and Ireland; and if those alterations and additions shall be approved by the two Houses of the Parliament of Ireland, we are ready to confirm and ratify these articles, in order that the same may be established for ever, by the mutual consent of both Parliaments"—he was of opinion that he had

* Hansard, vol. xx. (new series) p. 74.

† Ibid. p. 79.

* Parl. Hist. vol. xxxv. p. 51.

† Ibid. p. 196.

furnished conclusive proofs with respect to interferences with the Church, of the *animus* of the parties by whom the Union was accomplished. The next point to which he thought it necessary to refer, was the interest which the people of England had in the settlement of this Question. He believed that the conviction was not as general as it ought to be, that, in doing justice to Ireland, the people of England were but doing justice to themselves. An hon. Gentleman, a friend of his, had asked on the hustings, in the county of Cambridge, "What had we to do with Ireland?" Now the state of the people of Ireland had a great deal more to do with his constituency than perhaps he or they imagined—setting aside every argument which was based upon the principle of justice, and placing in abeyance any appeal which might with fairness be made to the people of the county of Cambridge, by asking them how they would like to be compelled to pay tithes to the ministers of a religion from which they dissented?—and if such a system were attempted to be carried into practice amongst them, he was very confident that none would exhibit a more formidably passive resistance to the system than would be displayed on the part of the constituency to whom he had alluded—he would just put it to them, whether they had ever reflected on the expensive luxury which this Protestant Established Church in Ireland was to them. Did they not know—did it never strike them, that if the wealth of the Established Church were reduced, they might reduce also *pari passu* the expenses of a standing army? [*Cries of "No, no!"*] Hon. Members cried "No, no!" but he would ask on what intelligible principle, but for the protection of the Established Church was the large military force continued in Ireland? When he looked at the force which was found necessary to be kept up in the colonies, he could not imagine for what object but that to which he had alluded, so large a standing army was continued in Ireland—a country separated from us only by a few leagues of water, and capable, he was convinced, of being united to us by every tie of national community and feeling.—Let them look at the estimates for the year. The army in Ireland consisted of 21,678 men, whilst throughout the whole extent of our colonial empire there was

only 34,614 men! The exact number of men in each colony was not given, but the charge for the General and Medical Staff was a fair criterion of the number of men, and the expense of that was: in Ireland 13,485*l.*; in North America, that is, Nova Scotia and Canada, with all the difficult and delicate questions pending there 9,195*l.*; in the West Indies and the Bermudas, including all the additional precautions rendered necessary by negro emancipation 5,621*l.*; in Gibraltar, Malta, and the Ionian Islands—the keys of the Mediterranean—7,844*l.*; in Africa, the Cape of Good Hope, the Mauritius, Ceylon, and Australia 10,210*l.* Then again, in England, Scotland, and Wales 21,415 men were kept for the preservation of property, and the due enforcement of the law, as well as to serve as the kernel of our whole military establishment abroad; while, in Ireland alone, we required 21,678 men; and even that was an improvement upon preceding years, when 23,000 men were kept up. Such was the consequence of the unnatural alliance between the army and the Church. He sincerely believed that if they did justice to Ireland, and removed the grievances of the people, they would put a stop at once to those discontents which at present vitiated the whole current of society in Ireland, and might then with perfect safety reduce our military force there, to an extent, which, at present, would be most dangerous. But would this military force be the less necessary under the proposed commutation of tithes? It would not; for the same kind of protection would be required for the landlords, which had hitherto been required for the clergy. Concede, however, a change of appropriation, and they might diminish the army in Ireland to 10,000, with a prospect of a still greater reduction. As to the new appropriation of the surplus, proposed by the noble Lord, he knew that great differences might exist as to the best mode of employing it; that education, charity, a provision for the Catholic clergy, and the relief of the poor, by a system of public works, had all had their advocates, both in and out of this House; but he beseeched those who had the slightest value for the real principle at issue, not to allow these considerations to influence their vote. Once assert the right of interference and control on the part of the State, and there could be no error, in the appropriation of the fund, which might not be rectified.

From year to year, they could gain experience as to the best mode of employing it effectually for the benefit of the people of Ireland, and they would have before them more correct data upon which to proceed. He looked simply to the assertion of the right; and he begged to remind the House that it was a right which had been admitted, and acted upon by almost every nation, in ancient and modern times, as well as by our own ancestors. What was the Reformation, but a re-forming of the Ecclesiastical establishment of the country, in such a manner as to comply with the wants and spirit of that age? And why, if the wants and spirit of the present age had varied, was our Ecclesiastical system alone to remain unchanged? Are the habits, laws, civil or political institutions of the country the same now as in the days of Elizabeth? Had the country remained stationary in science, in education, in the arts? Had we not the same rights as our ancestors, as legislators and as men? And why should it be supposed that we could not use these rights, of which they wisely availed themselves except for our own detriment? Why, in giving a new form to our establishment, not less dear to us than to them, were we to destroy all that was valuable as well as all that was bad? The argument would not bear looking into. They were not bound by the acts of any former generation, except in so far as those acts were conducive to the present advantage; and if they found, upon mature and dispassionate consideration, that there were some things in the Ecclesiastical system bequeathed to us by the sixteenth century, incompatible with the new interests which had grown up in the course of 300 years, in the mighty empire of which they were the representatives, they had not only the right, but it was their bounden duty, so to reform that system, as to leave to no portion of their fellow-countrymen any just cause of complaint. He begged to be understood as speaking of the Establishment as an Establishment, and not of the Church as a Church; the authority of the Church as such, was not only independent of the State, but superior to the State. Weak, indeed, would be the influence of religion over the mind, if it were supposed to originate in, or be affected by, human laws! A religion was not believed because it was established; it was established because it was believed by the great majority of the

community; and it was their assent that gave it validity. If any person doubted this proposition and conceived that the legislature must only look to truth, and not to the assent of the majority, as the basis of an establishment, he would ask them to explain how it happened that, by the very same infallible authority (that of the United Parliament of Great Britain), truth was different north and south of the Tweed? There was one true religion in England, and another true religion in Scotland, because, in the establishment of these two religions, they had most wisely, justly, and humanely, taken as their guide, in each country (and it was the only safe guide), the wants, the inclinations, the just demands of the people. They had done the same in Canada and Malta, and there was no reason to think they were mistaken. He understood and approved of that—he could admire that; but he could neither understand, admire, nor approve the principle upon which they refused to 6,000,000 of their fellow-subjects in Ireland, a right which they conceded in less enlightened times, to less than 2,000,000 of their fellow-subjects in Scotland—the right of worshipping God in their own way, without being saddled with an establishment to which they did not belong. Either they had been wrong in their former practice, or were wrong now; and he had no doubt where the fault lay. If ever there was a case in which the old Latin Grammar quotation of *video meliora proboque deteriora sequor*, was applicable, it was the case of Ireland; for in the very teeth of all former experience, in defiance of the lessons which the struggle with Scotland taught, and which the history of every other nation confirmed, they had persisted in principles which they knew to be false—which they admitted to be false in every other case—which they would be the first to reprobate as false, if they were applied by a Catholic sovereign to Protestant subjects; and yet which they had the weakness to adhere to in their own case, in spite of a conviction that sooner or later, they must abandon them. The time in fact had arrived. After 200 years dreadfully spent in an attempt (to use Mr. Windham's words) to grind, by pains, by penalties, and by every species of legal oppression, the Catholics into Protestantism, the experiment had at last been abandoned. One by one had England restored to the Irish the rights of which they had been unjustly deprived. We had

done them justice—tardily, he confessed, upon every point but one, and the power of withholding that one had been diminished, in exact proportion to the rights already restored. As Catholic Emancipation was the fruit of the first relaxation of the penal laws, so must the reduction of the Establishment be the fruit of Catholic Emancipation, for the power of upholding it was gone. The plea of right, the system of which the Establishment was a part, was given up, and the Catholics were armed with a tenfold power of resistance. How could they be expected to forego the use of it? Would the Catholics who had been admitted into the bosom of the Legislature not advocate the interests of the class which they represented? The time for fighting the battle of the Establishment was in 1829, when the Catholic Relief Bill passed; and the right hon. Baronet ought not now to complain of a change which was the necessary consequence of his own measure. He could not say that he had no warning; for, in 1808, Mr. Perceval opposed the Catholic petition presented by Mr. Grattan, upon this very ground—namely, that there was no limit to concession when once the principle was conceded. Mr. Perceval was right: when once the work of concession was begun it was impossible to stop short, while anything remained which ought, in justice, to be conceded. In passing the Catholic Relief Bill a new principle was admitted into the Constitution, the principle that no considerations of political expediency could give permanency to a law which was not useful and just. But where was the utility, where was the justice of the law, which supported the Irish Establishment? What was it but a law against the majority of the people?—a law against the people themselves?—a law which, by the very extent of its injustice, determined its own invalidity? Could it last?—ought it to last? Ought they, as the representatives of a great and enlightened country, to risk a civil war in order to perpetuate it? That was the real question. It was useless attempting to disguise it. To a civil war they must come at last, if the principles of that party were adopted, which was prepared to ride rough shod over the liberties of Ireland, in order to uphold an establishment which it was impossible, as matter of argument, to defend. Once rouse the passions of the people on both sides—once drown the voice of reason in the cry of

fanaticism—once let blood be shed in the name of the religion of peace, and he would defy them to predict when it should cease to flow! But he would not anticipate that—he would not believe that a Reformed House of Commons would consent to inflict upon their country those evils before which the Duke of Wellington, in 1829, shrunk back appalled! He would not believe that there was any party weak enough or wicked enough, to contemplate such an attempt; and if the attempt were made, he believed that the unadulterated good sense of the English people would furnish a remedy. They knew that the foreign affections, and foreign intrigues, against which the disabilities imposed upon the Catholics were intended to provide, no longer existed; that the Catholics were now identified with the Constitution of the empire; and were their brethren and equals, as well by law, as by nature. They knew that the Legislature had no right to stand between them and their God, or dictate to them the terms upon which they should enjoy those rights, which, like the air and light of heaven, were intended for the common benefit; and this, too, upon a plea of religion! It was not the diffusion of the Protestant religion, or of any sect of Protestantism, which formed the bond of human society. It was the full and equal enjoyment of social rights which bind men together! To deprive any portion of society of their equal rights, was to pave the way for a dissolution of the social system itself. As to those who held that it was not the application of these principles as regarded Ireland, but their consequences as regarded England, which was to be dreaded. He warned them, once more, not to fight the battle of the English Church on Irish ground. Much was in the power of the clergy, but it was not in their power—it never could be in their power—to devise a means by which an establishment could be upheld when four-fifths of the population were hostile to its existence. If ever such a case should arise in England, (which God forbid!) they could not, by any precedent, establish that guide to posterity in their mode of dealing with it. They would look to the best interests of their constituents; and, if they were told of the necessity of resisting innovation—of making a timely stand against the inroads of public opinion, they would answer, as he trusted the House would then answer—that the real danger

of a State consisted in rendering its subjects justly discontented; and that the best security for its stability consisted in the conviction that no change could possibly be for their advantage. It was his hope and prayer that these sentiments might, at last, prevail; and that they might not, by their decision, blight the hopes of six millions of our fellow-countrymen. Let the House begin the work of justice. Then, and then only, would God prosper that land—then, and then only, could he hope that we should be allowed to continue that career in which we had hitherto been so pre-eminently blessed, as an united, a contented, and a grateful people.

Sir James Graham, spoke as follows:—I rise with great reluctance to address you on the present occasion, for though I have thought long, and deeply, and anxiously, on this subject, I have never before expressed my opinions on it within the walls of Parliament; and I now feel a peculiar difficulty in discussing the question; for I must frankly avow, that it is connected with religious feelings and conscientious scruples, which, though they are binding on the individual's judgment, are not fit subjects for discussion in a popular assembly. I have never attempted, however, to address any portion of my fellow-countrymen, honestly and fearlessly expressing my opinions, without experiencing an extension of their indulgence, and I therefore feel a full confidence of obtaining a patient hearing, when I ask a British House of Commons to grant me its attention, while I state in as brief a compass as I can, the opinions which I entertain on the question now brought before us.

The hon. Gentleman who last addressed this House, has truly said, that the present question is one of vital importance. To me it has been of fatal importance. [*Cheers with laughter.*] Do hon. Gentlemen interrupt me thus early? Is this the indulgence which they are disposed in their liberality to extend? After the appeal which I made, is this the reception I am to encounter? I confess I had not anticipated anything so ungenerous or so unfair, but it was only the passing spear of some one individual Member; and, seeing the quarter from which it proceeds, I pass it by with contempt. This fatal Question has hurled me from power—it has severed some of the dearest and closest of the political connex-

ions of my life—it has suspended and blighted,—I hope it has not destroyed,—some of my earliest friendships—it may yet drive me from Parliament—it may force me into the retirement of private life—it may incapacitate me for office, but still I must repeat what the hon. Gentleman asserted, that it is of vital importance, and it admits of no compromise. I, for one, have strained my conscience to the utmost, and have endeavoured to carry compromise on this question with those from whom I was compelled to differ, and with whom I agreed on all other points, as far as I could with a due regard to consistency of principle, but I will not, I dare not, carry it further.

The hon. Member has said, that this is a question involving confidence in the present Administration. I admit that the question is one which cannot be considered without reference to the present crisis and in the present juncture of affairs, I must avow, that no Government can be formed, or exist, with credit to itself, or with safety to the country, which is not founded on the basis of an entire agreement with respect to the Established Church of Ireland, and on a fixed determination, explicitly avowed, of the policy to be pursued with regard to the question now at issue. I state this frankly, and I own, that the principal support which I have given to the Government in the present Parliament has rested on the declaration made by the right hon. Baronet (the Chancellor of the Exchequer) in his address to his constituents—that it is his intention to support the Protestant Church in England and Ireland, and to resist any application of Ecclesiastical Revenues to secular purposes. The hon. Member has said, that it is most desirable to come to a settlement of this question of appropriation, and I agree with him, that no time should be lost in bringing it to a final decision; but what is the mode of settling it pointed out by the hon. Member? The hon. Member is most liberal in his application of his assumed surplus of Church property. He has told us, that we may take it for the purposes of education, or charity, or anything, so long as we take something from the Protestant Church. But is this all? The hon. Gentleman means to carry his liberality, or rather, the laxity of his principles, still further, and to apply his rule to all Corporate property; for he adds, that if this principle be not laid down, it will be a bar to

ulterior proceedings. It is this absence of all principle which alarms me; it is not the less alarming because it is left undefined, and because, unless conceded, it is said to be a bar to something, of the nature of which we are left in the dark, and which I consider the more dangerous because mystery is thus studiously thrown around it. It is on this ground that I am ready to vote with the right hon. Baronet (Sir Edward Knatchbull) and to negative the Motion of the noble Lord. The hon. Member for St. Alban's has expressed a hope, that union, for to-night at least, may be found in the ranks of the Opposition on the question of appropriation—thus clearly intimating that hereafter the question is to be left still open, and undecided. I must deny that the decision of the question now before us will be a final settlement of the great principle now rashly mooted. The present is but the commencement of a series of attacks, first on Corporation-property, then on private property, and, as a conscientious man, I cannot support it. I will admit that I cannot consider the Question now before the House, apart from the time and circumstances in which it is brought forward. My noble Friend, the Member for North Devonshire (Lord John Russell) has told the House that he is not unfriendly to the Established Church. Whatever my noble Friend may say in this House or out of it, I implicitly believe, from my intimate knowledge of his high honour and strict integrity; but when my noble Friend tells me that he is not unfriendly to the Established Church, I must beg to ask him whether he is equally confident that all those who support him on the present occasion partake of his sentiments; and can, with equal truth, profess attachment to the Established Church? I wish to avoid the expression of anything that can give offence to any one; but when I find that a Motion was made last year to exclude the Bishops from their seats in the House of Lords—when I find that that Motion was supported by many of those who will, no doubt, support the Motion of my noble Friend on this occasion, and amongst others, by a Member of his Majesty's late Government—I own that I cannot feel disposed to place much reliance on the profession of friendly feelings towards the Establishment when made by some of the supporters of my noble Friend on this occasion.

But this is not the only important question on this subject which has been, and will be discussed. I find that the question as to the connexion between Church and State is to be mooted, that the voluntary principle is to be supported, and that we are to be called on to decide, whether it will not be better and safer to have religion unsupported by external aid, rather than to preserve the intimate connexion of an Established Church with the power and authority of the State. Changes also are in contemplation in the constitution of the House of Lords, and these are only some of the proposed changes which are openly avowed.

Now if I look back to history, I find that these experiments have not the charm of novelty—the Bishops, in a former period of our history, were expelled from the House of Lords, the connexion between Church and State was dissolved—the voluntary principle was fully recognized—the House of Lords itself was abolished, and the Monarchy did not long survive. Now, let me suppose that all these fatal experiments were repeated, what may we expect as the result? Has history, then, been written in vain, and are we to derive no benefit from the lessons of experience? I will quote a passage from an historian—not a religious fanatic, but a sceptical philosopher,—and let the House hear his description of the result of those changes. "Gaiety and wit," says Hume, "were proscribed; human learning despised; freedom of inquiry detested; cant and hypocrisy alone encouraged." Are hon. Members prepared for similar results from similar changes in the present day? But did they lead to no other? History tells us, that after thirty years of civil war, which were marked with anarchy and bloodshed, the people finding the evils which had come upon them utterly intolerable, fled for refuge to the Throne, and made an unconditional surrender of life and liberty and Church Government to the arbitrary will of an exiled Monarch. These things were written for our warning; and I pray that they may not have been written in vain, but that they may produce a salutary effect on the prudence and sober judgment of this great community.

Before I go further, I will make a distinct admission as to the difference between Church-property and private property. The hon. Member for St. Alban's has alluded to Hallam on this point, and

I will admit that I adopt, with some slight modifications, Mr. Hallam's distinctions between the two kinds of property. Mr. Hallam says—"I cannot, until some broad principle is made more obvious to me than it ever has yet been, do such violence to all common notions on the subject as to attach an equal inviolability to private and corporate property. The law of hereditary succession, as ancient and universal as that of property itself—the law of testamentary disposition, the complement of the former, so long established in most countries as to seem a natural right, have invested the individual possessor of the soil with such fictitious immortality, such anticipated enjoyment as it were of futurity, that his personal ownership could not be limited to the term of his own existence, without what he would justly feel as a real deprivation of property; but in estates held, as we call it, in mortmain, there is no natural intercommunity, no natural privy of interest between the present possessor and those who may succeed him, and as the former cannot have any pretext for complaint, if, his own rights being preserved, the Legislature should alter the course of transmission after his decease, so neither is any hardship sustained by others unless their succession has been already designated or rendered probable. Corporate property therefore appears to stand on a very different footing from that of private individuals; and while all infringements of the established privileges of the latter are to be sedulously avoided, and held justifiable only by the strongest motives of public expediency, I cannot but admit the full right of the Legislature to new-mould and regulate the former in all that does not involve existing interests, upon far slighter reasons of convenience." I will say, that I agree with nearly all those limitations. I will take this distinction between the property of the Church and that of private individuals. The property of the Church has been destined for particular uses, as all trust property is, and should be applied to those trusts for which it is intended. The question then is, what are those uses? I will endeavour to answer the question fairly. The Church-property was granted for the maintenance and propagation of the Protestant religion. ["No, no."] Is this denied? Farewell, then, to the Protestant Church as by law established. But I will contend, that this was its original object,

and from that object I will not consent that it shall be diverted. When I say this, let me not be misunderstood as being hostile to those Church reforms which would go to a re-distribution of Church-property. As long as it is distributed for purposes strictly Protestant, the State, I admit, has the power (saving the rights of existing interests) to re-distribute it in any manner it may think proper. What were the measures introduced by Lord Grey's Government with respect to Church-property in Ireland? My noble friend (Lord J. Russell) has stated, that Tithe-property in Ireland amounts to upwards of 800,000*l.* a-year. This statement my noble Friend takes from the calculations of the hon. Member for St. Alban's, on which he seems to rely; but I heard an able and argumentative speech on the subject last year from the right hon. and learned Member for the University of Dublin (Mr. Lefroy)—a speech, by the way, which has yet remained unanswered, and in which it is, to my mind, most clearly shown that the amount does not exceed 620,000*l.* a-year. By a measure of Lord Grey's Government, in which I concurred, a charge has been made on that property of not less than 70,000*l.* a-year, the amount of the vestry cess, which was before charged on land and is now thrown a burden on the Church—a charge equal to an eighth or a ninth of the whole amount—but this is not all—a tax has been laid on all benefices varying in amount from 3*l.* to 15*l.* per cent. What is the principle of the Act imposing that tax? It goes to meet the very objection which is one ground of the present motion, namely, that money is paid for religious duties which are not required. It enacts, that where a minister derives a revenue from a living in which there is no Protestant population, that living, on becoming vacant, shall not be filled up. But what is the test of there not being a Protestant population?—the only one in my opinion which could safely have been selected, because it is a by-gone fact, on which agitation and violence cannot be brought to bear; and, because it cannot be influenced by present passions or future circumstances. It is, that any living in which Divine Service has not been performed from the year 1830 to 1833, and in which a vacancy shall occur, the Ecclesiastical Commission shall suspend, during pleasure, a re-appointment, and that the

revenues of that living shall, after deducting the payment of a curate, be applied to other Protestant purposes. Now what are these? What is the application of the revenues made by this measure? Why, the application is to uses strictly Protestant. The Commissioners have the power to re-appropriate the original revenues of these parishes thus circumstanced, to the augmentation of small livings in other parts of Ireland, to the building of glebe houses, to the repair and building of churches, and to the dissolution of unions in parishes inconveniently large. For myself, I must say, that in consenting to this suspending power, I strained my conscience as far as I could. [*"Hear, hear!" and Laughter.*] Hon. Members opposite may indulge in a sneer at my observation, but I repeat, that in consenting to adopt that principle, I strained my conscience to the utmost. I am speaking in the presence of noble Lords and right hon. Gentlemen who were my colleagues in office, and who well know that I and others who entertain the same opinions as my own, made that concession in the hope of keeping together a Government which on other matters was cordially united—a concession made for the sake of union, in the hope of securing harmony and good will, and I am satisfied that none of my former colleagues can allege against me, or against any one of those who left office with me, that our present resistance to the proposition of the noble Lord, the Member for Devonshire, is at variance with the language we have ever held in private, or with the conduct which we openly declared our fixed intention to pursue. I am not surprised at the selection which has been made for the first point of attack, and especially when I remember that upon the other side of the House there are now sitting some hon. Gentlemen who, differing from my noble Friend, the Member for Devonshire, seek by these means to overthrow and to destroy the established religion of the country. It is, therefore, no matter of surprise to me, that this first inroad should be attempted on the Protestant Establishment of Ireland—an establishment situated in the heart of a country, the great majority of whose inhabitants are Catholics. They are wise in their selection of this, which appears the weakest ground of attack, but, it must be remembered, that the principle at issue is the key

of the position of the Church Establishment, and if we allow such an alteration as this, the result will be, that the Protestant religion will not only soon cease to be the established religion of Ireland, but a principle will be incidentally introduced fatal to the Protestant Establishment in this country also. Once admit the doctrine of local proportions, and the most signal consequences will inevitably follow—once admit the principle, and we must of necessity extend it to England, and thereby the existence of the Established Church would be not only endangered, but ultimately destroyed.

I now come to the proposition of my noble Friend opposite, and in dealing with it, I will ask no more than to apply to Church-property, the strict rules which govern all other trust estates. I see the noble Lord, the Member for Liverpool in his place, but regret that the hon. and learned Member for Dublin is not present, as I am about to put a case in which both the hon. Member and the noble Lord are somewhat interested. It is known, doubtless, to the majority of this House, that the Corporation of Liverpool is a very wealthy body; that the revenues arising from its property and resources are applied to the improvement of the commerce and trade of that port, by the formation of docks, quays, &c., until that body has almost exhausted the possibility of further improvements in that great and important harbour. It will also be in the recollection of the House, that the hon. and learned Member for Dublin is anxious for the construction of a ship-canal between Dublin and Kingstown. The hon. and learned Member for Dublin if he should succeed in getting a Commission of Appropriation to deal with Corporation-property, like that suggested in the scheme which has to-night been submitted in respect to Church revenues, would, no doubt, have his Dublin Canal completed at the expense of Liverpool. [*Cries of "Oh, oh," from Mr. Cobbett.*] The hon. Member for Oldham objects to this line of argument, but I must assure the hon. Member, that so long as I confine myself to the point in debate, and am observant of the rules and orders of the House, I am entitled to pursue such arguments as in my judgment bear upon the subject under discussion. Such, I contend, is the case I have put, and I repeat, that in the case I stated,

the ship-canal would soon be finished, but the surplus revenues of Liverpool would be reduced from affluence to deficiency. But, why is it that hon. Members opposite are so eager to get at the small sum which will arise out of the proposed appropriation of the surplus revenues of the Irish Church? Small that amount will comparatively be, for I do not believe my noble and hon. Friends opposite contemplate, if they have their own way, to go further than to take from the Church of Ireland a sum of about 100,000*l.* per annum. They do not mean to apply these surplus revenues to the payment of the National Debt, or to the exigencies of the State—the State is not so poor—they do not seek to confiscate them in favour of the Irish landlords—they are not so dishonest; they do not intend to yield them a prey to lawless violence and rapine; you are not so tame and cowardly; but my conviction is, that it is the wish of many of those who support the present proposition to take these revenues, not because the State is poor, but because the Church is rich—not that the State may gain, but that the Church may lose them. Such a doctrine as this, most completely breaks down that great principle (the doctrine of *meum et tuum*) which is the foundation upon which all property rests, and which it ought to be the object of all Government to maintain—a doctrine which, if once relaxed, will bring any nation from the condition of civilization to a state of barbarism. In order to show the exaggerations which have been put forth with reference to the revenues of the Church of Ireland, I am about to quote a document which has been prepared by direction of the Government, in 1832, by Mr. Erck. From this document, it appears that in Ireland there are 1,450 livings, but the returns of the revenues of these livings are not complete. No less, however, than 1,123 returns out of the 1,452 have been made, and of these it appears that about 570 livings, or, one-half of the whole, are under the annual value of 250*l.*; that 854 are under 450*l.*; and that 948, being four-fifths of the whole livings, are under 500*l.* per annum. These are the returns before the imposition last year of the tax of fifteen per cent., and, therefore, with the further tax now proposed of twenty-five per cent., the incomes will be further reduced nearly forty per cent. I admit that it is competent to Parliament to alter the

amount of this taxation, and to increase it upon larger livings; but, why not make the advance which has been granted of 1,000,000*l.*, a charge upon the Perpetuity Fund and on the means placed at the disposal of the Ecclesiastical Commission under the Church Temporalities Act. This loan has been received by the Protestant Clergy in lieu of tithes unlawfully withheld—this would be an appropriation to purposes strictly Protestant, and the re-payment of that loan in this manner, is a matter well worthy of consideration.

The hon. Member for St. Alban's has touched upon the question of the Union, and has alleged several articles in that contract, bearing upon the question of the temporalities of the Irish Church. The engagements in the Articles of Union, have always pressed heavily on my judgment, with reference to this subject, and though I do not contend that it is like the laws of the Medes and Persians, and cannot be altered, yet there is still one particular Article of the Union peculiarly binding, which bears distinctly on this subject. I look to the circumstances which attended the completion of that measure, and I find that there was in Ireland a Legislature exclusively Protestant, and that without the consent of that Legislature, the Union could not have been effected. What was, then, the position of that Protestant body? They felt their weakness in one respect—namely, in being surrounded by a dense population, differing from them in their religious creed, and they were conscious that their religion was that of a small minority in the country which they governed. Hence their acknowledged weakness; and how did they seek to strengthen their position? Why, by making it an “essential and fundamental” Article of Union, that the united Church of England and Ireland should be for ever, one and indivisible. It appears, to my mind, that this was the moving consideration to the weaker party, upon the very face of the contract. Such being the case, is it just, is it decent, before even a generation has passed away, while many are still alive who were parties to this compact, that the Commons of England should annul the main and moving consideration, which led to the completion of the Union, and induced the independent Legislature of Ireland to enter into it? This point may be treated as undeserving of grave con-

sideration; but, in my conscience and judgment, I think it most important—so much so, that I regard with peculiar jealousy this first attack—an attack which I believe will lead to the establishment of Catholicism as the religion of Ireland, and to the separation of the two united Protestant Churches of Ireland and England.

The passage in the Articles of Union, to which I allude, is most important in my view of the question; it was, the clause which induced the Protestants of Ireland to yield their reluctant assent to that great measure. This was the impression which pervaded the mind of Lord Minto prior to the Union, as manifested by a speech delivered by that noble Lord in his place in the House of Peers. When the question was there debated, Lord Minto said, “that the Protestants could not be supported in that ascendancy which seems necessary even for their protection, without derogating from what may appear to be a natural right of the Catholics. The Catholics could not be supported in their claim of equality, without transferring to them that ascendancy which equality of rights must draw to the larger body, and which, from that moment, must expose the Protestants to dangers from which they ought to be protected. In the united Parliament, right may be done unaccompanied by wrong. Irish Catholics may be invested with their political capacities without the slightest danger to Protestant establishment or property. These, on the contrary, must acquire a ten-fold and a hundred-fold security in the Protestant Parliament, and the genuine Protestant ascendancy of the United Kingdom. The Protestant Church and property may, on the other hand, be secured without perpetuating the present humiliating and degrading exclusion of the Catholic part of the Irish nation. Such are some of the particulars in the condition of Ireland, which appear to me to add, in her case, many powerful inducements to those which, in every other instance, may invite neighbouring and friendly countries to a close and intimate union of their governments. Protestants ought to be protected, and defended in the security of their property, their religion, and their persons, against any violence which the Catholics may be disposed to attempt when they have passed from their present state of subjection to that of authority and power.” This passage from the speech of Lord Minto fully

confirms the view which I take of the question; that view, as I have shown, was held prior to the Union being effected; and in that view I am further corroborated by the expressed opinions of Mr. Pitt, who held out to the Protestants of Ireland the inducement of increased strength by the union of the two Established Churches, and to the Catholics, that when the Protestants were thus secured, then, but not till then, justice could be done to their claims for civil equality, which a Protestant Irish Parliament had withheld.

I have, on various occasions, heard it laid down (and I believe my noble Friend opposite has this evening adopted the doctrine of Archdeacon Paley) that “the religion of the majority ought to be the religion of the land.” In every representative Government the religion of the nation will, doubtless, be moulded by the Representatives of the nation into that shape which the majority of their constituents may desire; and the question now is, what the Representatives of the United Kingdom consider to be the religion of the majority of the nation? My answer to that question is that so long as the Union continues, the Protestant religion is the religion of the majority. Now, as Archdeacon Paley has been quoted, I am always anxious to make use of his high authority. Paley distinctly lays down the doctrine, that the appointment of a minister to each parish is an indispensable and necessary ingredient in the establishment of the favoured religion of the State. This he declares in strong terms: his words are—“The division of the country into districts of commodious extent, and the stationing in each district of a teacher of religion, forms the substantial part of every Church establishment.” Nor is this all; Paley did not rely exclusively on numerical majorities as the test of the established religion of a nation. Speaking of the degree and sort of interference of secular laws in matters of religion which are likely to be beneficial to the public happiness, he said,—“There are two maxims which will, in a great measure, regulate our conclusions on this head: the first is, that any form of Christianity is better than no religion at all; the second, that of different systems of faith that is the best which is the truest.”

As to toleration, I hold that all men, without distinction of religious creeds, are

entitled to a perfect equality of civil rights. In considering the question of toleration, I shall not take into account the truth or falsehood of the creed professed; but when it becomes a question of a Church Establishment, the truth of the favoured religion cannot be excluded from consideration. Do hon. Members suppose that the Legislature should be indifferent upon this subject? If so, one of two absurdities must happen. If the State do not interfere, then there can be no favoured religion; all creeds must be alike in the eye of the law, that is, there must be no Established Church: or the question must be determined, independently of the Legislature, by local majorities; and the power, which is denied to the Representative body, must be variously exercised by different portions of the community, forming local majorities. Now, if there be one receipt more efficacious than another for producing discord, confusion, and ultimately leading to civil war, it would be the exercise of such a power on such a subject, by small parochial majorities, to the exclusion of the Legislature. The selection therefore of the favoured religion being necessarily left to the State, as Legislators, as a component part of the governing body, we must look to the truth of the favoured religion, before we can sanction it as the religion of the State.

I now come to look at this question in another point of view; and I shall here distinctly state, that sooner than admit this doctrine of local proportion—which I consider so dangerous in its tendency—I should prefer to see the Articles of Union between the two countries re-considered, and the Catholic recognised as the established religion of Ireland. I could understand the object of such a course, and could appreciate the value of the argument—"change the established religion for the sake of peace." Such an object is worth almost any sacrifice by which it could be procured—"nec quicquid tantâ pro spe tentare recusem." But the change proposed by the noble Lord will be a very great sacrifice of principle, without the slightest hope of procuring peace. I cannot conceive that the noble Lord would propose to withdraw more than one-fourth of the pastors from Ireland, and the remaining three-fourths would be maintained in the midst of the people of that country. In only one-fourth of Ireland, according to this supposition, would the appropri-

tion of tithe be changed. And what would be the effect of this "healing measure?" The amount of the reduction, it is proposed, should be paid into a certain Board in Dublin; in three-fourths of Ireland, tithes would be raised and appropriated, as at present; will the remaining fourth, from which the ministers are withdrawn, derive much satisfaction, when instead of paying money to clergymen residing among them, and spending their incomes on the spot, they pay the full amount to an Education Board in Dublin, and take their chance of what may be returned to them as a dole in the shape of a school-house and a school-master. If peace, then, be your object, I warn you that it is perfectly useless to expect it from the proposition of the noble Lord. You will waive a great principle, but you will not obtain your object. I cannot approve of the course adopted in the present case, no more than I can of the effect it is likely to produce. It will be much more straightforward and much more statesman-like to bring before Parliament the question of the union of the two Churches, and to say, "It is expedient for the interests of the country, and for the interests of religion, that this Union be dissolved, and that the Catholic religion be recognised as the Established Religion of Ireland." That would be an intelligible, if not a statesmanlike course; but the surrender of a great principle, in the name of peace, without the hope of obtaining it, is unworthy of the character of a deliberative Assembly. But the House will allow me to ask, has not peace been promised before? Has not peace been promised before, when the Legislature was meditating a change with respect to the disabilities under which Roman Catholics were labouring? I shall take leave to read to the House the testimony of a witness whose evidence upon this subject might be regarded of considerable importance—I advert to that which was given before the passing of the Catholic Relief Bill, by the hon. and learned Member for Tipperary. The testimony of that Gentleman (Mr. Sheil), given in the year 1825, before a Committee, which sat to inquire into the state of Ireland, has been quoted on a former occasion, but it would not be improper to quote it for the benefit of a new Parliament. The question was put to the learned Gentleman—

"Do you think, in case the general question

of Catholic Emancipation were settled by Parliament, there would be a power existing in any individual to get public assemblies together and to create a combined operation in Ireland?"

The reply of Mr. Shiel was—

"I am convinced it would not be in the power of any individual, no matter how great his influence might be—no matter how perverse his ambition might be—to draw large convocations of men together in Ireland; nothing but the sense of individual injury produces these great and systematic gatherings through the medium of which so much inflammatory matter is conveyed through the country."

Now, what was the learned Gentleman's definition, or rather his explanation of "individual injury?" He thus continues his answer.

"Let me take the question of the Union for example. There are many who suppose, that if the Catholic Question were arranged, the merits of the Union would be discussed. But, I am convinced, that if the Catholic Question were settled, a great body of the population, so far from being dissatisfied, would be perfectly contented with the Union, or would be indifferent to it. Whenever any mention is made in a Roman Catholic assembly of the evils of that measure, it is made for the purpose of rhetorical excitement, and not with any serious view on the part of the speaker to disturb that which, in my humble judgment, is indissoluble."

The learned Gentleman, in reply to another question, stated that—

"In answer to the question, I beg to add this—that I am perfectly convinced, that neither upon tithes, nor the Union, nor any other political subject, could the people of Ireland be powerfully and permanently excited: at present, individuals feel themselves aggrieved by the law, and it is not so much from public sentiment, as from a sense of individual injustice, that they are marshalled and combined together."

I will only read one other passage from the evidence of a Divine of the Roman Catholic Church, now no more—(Dr. Doyle.) He was asked—

"Did he think, would the objection to tithe, as it now stood, be settled, if the Roman Catholics were admitted to an equality of civil rights?"

He replied—

"Yes. I do believe, that re-admission of the Roman Catholics to an equality of civil rights would greatly tend to the settlement of the objection to tithes, as they now stand."

In what way? he was asked. He replied—

"I conceive, that the removal of Catholic

disabilities would lessen considerably the feeling of opposition which is entertained towards the Established Church, and for this reason:—Those who labour under these disabilities, find the clergy of the Established Church employing the opulence and the influence they possess in opposing their claims. I do believe, if these claims were adjusted, the country would settle into a habit of quiet. There would no longer be that jealousy towards the Protestant clergymen which is felt by Roman Catholics so long as their grievances are unrelaxed."

He was asked—

"What would be the effect of a settlement of the Catholic claims as regarded the communication between the Protestant and Catholic clergy?"

He replied—

"We should meet them, if our claims were granted, as brethren labouring in the same vineyard as ourselves, with the common object of promoting the interest of our common country."

These quotations I have read for the purpose of showing how completely the hopes held out had been falsified—how the promise that was made had been forgotten by the Catholic clergy of Ireland. I shall trouble the House with an extract from a letter, written in 1833, by another divine of the Roman Catholic Church, Dr. McHale, Bishop of Maronia. In listening to this extract, the House will bear in mind the allusion of Dr. Doyle to the labourers in the vineyard. Let the House hear what this writer said in speaking of the establishment in Ireland—

"After all the evils that have been heaped upon this devoted land, there is some consolation in reflecting that the axe has been laid to the root of the establishment. The pruners of the Ecclesiastical vineyard have not read the Roman history in vain; the loftiest of all plants have been already laid low. This, we may hope, is but the preliminary to a more enlarged process of pruning."

The writer went on to say, that he should, successively, see all existing abuses corrected "until it is to be hoped not a vestige of the mighty nuisance shall remain." And is the entire removal of the "mighty nuisance," as it is termed, really the object contemplated? I am unwilling to detain the House; but I am, nevertheless, actuated by an earnest desire to lay before it my genuine sentiments on this most important subject. I am sorry to read extracts, but I consider it of paramount importance that, in this crisis, what is really meant, and what is really felt, on both sides, should be laid fully

and fairly before that great community with which the decision of this question must ultimately rest.

I do not know whether the hon. and learned Member for Dublin be at this moment in his place or not; I shall indeed regret it deeply if that hon. and learned Member be absent. I shall not, even if he be present, say one word that will be hurtful to his feelings, but as the hon. Member belongs to that party of which my noble Friend, the Member for Devonshire, is now the accredited leader, it is of importance that the views entertained by them should be fairly brought under the consideration of this House. I do not mean to blame the hon. and learned Member. I am myself a sincere Protestant, and I have no doubt that, the hon. and learned Gentleman is in his turn a very sincere Catholic. In the position of the hon. and learned Gentleman, I should perhaps, view the Protestant establishment in the same light as he does, and if I did so view it, I might perhaps labour with the equal zeal—with the equal perseverance, but with far less ability, to overturn it. That is an object which the hon. and learned Gentleman has always avowed—which he has never for a moment dissembled. He has stated it in the strongest, the most explicit, and most emphatic terms in the English language. In proof of that assertion I will read to you the letter of the hon. and learned Gentleman to Mr. Sharman Crawford dated Derrinane Abbey, October 18, 1834. That letter related to the reduction of Irish tithe that was effected by Lord Melbourne's Ministry. It is written to his friend from his country residence, calmly, deliberately, in the absence of all excitement, and contains a statement of what the hon. Member had done in the last Session of Parliament, and of his motives for doing it. "It is quite true," he says, "that I demanded for the present,"—these are the very words now used by the hon. Member for St. Alban's, "it is quite true," he continues "that I demanded, for the present, but a partial reduction—it was three-fifths of the tithes. Why did I ask for no more? Why did I not demand the abolition of the entire? Because I had no chance," (and here again we have the hon. Member for St. Alban's using the same language,) "in the first instance of getting the entire abolished; and you perceived that I was refused the extent which I asked, being three-fifths,

and only got from the House of Commons two-fifths. I had, therefore, not the least prospect or possibility of destroying the entire; and because I am one of those who is, and always have been, ready to accept of any instalment, however small, of the debt of justice due to the people—the real national debt." Does the hon. Gentleman mean to say that tithes are a debt due to the people of Ireland? But Mr. O'Connell proceeded:—"I have been, and am ready to accept of any instalment of that debt, determined to go on, and look for the remainder as soon as the first instalment should be completely realized. It is totally untrue that I acquiesced in the perpetual continuance of the remaining three-fifths of the tithes." Are not these emphatic words? After what has been read from this same letter by the right hon. Member for Tamworth, respecting the character of Lord John Russell, Lord Melbourne, and Lord Duncannon, I am at a loss to know to what portion of the late Government the writer alludes in the next paragraph of the letter, which is to this effect:—"The honest and reflecting part of the Ministry must perceive that tithes must be abolished totally—unequivocally abolished—abolished without delay or condition." This House is not left in the dark as to the appropriation of Church Property, the hon. and learned Gentleman desires. He is equally explicit upon that subject as upon the abolition of tithes. I will prove this by referring to the second letter, which the hon. and learned Member has addressed from Derrinane Abbey, to Mr. Sharman Crawford, dated September 27, 1834:—"My plan," said he, "is to apply that fund in the various counties of Ireland to relieve the occupiers of land from Grand Jury Cess." That looks very like a confiscation in favour of the landlords of Ireland. But the hon. and learned Gentleman goes on—"My plan is to defray all the expenses of dispensaries, infirmaries, hospitals, and asylums, and to multiply the number of these institutions until they become quite sufficient for the wants of the sick." That is to say, that church property is to be granted to the landlords of Ireland to enable them to do that which, without confiscation, they are bound to do by the law of humanity, if not by the law of the land—namely, to provide for the relief of their poorer brethren. The matter, however, does not rest there. It has been said that this question of Irish tithe has

no connexion whatever with the question of English tithe. It has been said that our giving way on this point in Ireland will be quite harmless—that though there be in the two countries, two Protestant churches by law united, the measures applied to the one can never be considered applicable to the other. Mr. O'Connell, however, thinks otherwise. I see the hon. Member for Finsbury now present, and I am going to remind that hon. Member that a dinner was given to him by his constituents on the day immediately after that memorable night on which the late Government was so strangely and unaccountably defeated in their opposition to Mr. O'Connell's proposition to take forty per cent. from the amount of Irish tithe. On that occasion the hon. and learned Member for Dublin thus spoke:—"It was only last night that the Ministers allowed"—(this was a curious expression, coming from the hon. and learned Gentleman)—"the House of Commons to strike out eight shillings in the pound of Irish tithes. Did the people of England understand what that meant? Why should not eight shillings be as good in the pockets of the people of England as in the pockets of Paddy? Let us go on. The king yielded to the voice of the people before, and why should he not do so again?" a strong encouragement this, by the way, to that Royal Personage, thus to yield again:—"The hereditary legislative body ought to be done away with. Both Houses ought to be representatives of the people. Two Houses of Parliament elected by the people were necessary to give fixity to the liberties of the people." In case there should be any mistake as to the meaning of the hon. and learned gentleman he has been still more explicit on another occasion.

I know not whether the noble Lord, who is now the leader of the Opposition, has adopted the principles of his follower, or whether his follower has had the complaisance to suspend his own opinions, but his follower has thus expressed himself in the letter to Mr. S. Crawford, which I have already quoted—"My object is to establish a principle. It is, that every denomination of Christians should support their own spiritual instructors"—taken negatively, "that no one Christian should be compelled to maintain the spiritual guide of another." This is our principle, our great principle." I have myself heard the

hon. and learned Gentleman explain in this House what he means by that great principle. I have heard him explain the voluntary principle thus:—"That he hoped to see the day when every clergyman should be paid like a lawyer or a physician by the fee for the job." I do not intend to allude invidiously to any particular creed; but the effect of the principle, thus broadly laid down, has been exposed in the most extraordinary manner by a clergyman of the Catholic Church, Mr. Croly. That individual has well described the fatal effects of paying the clergy by the fee for the job. It is one of the greatest curses which has befallen the working population of Ireland, and I should be sorry to live to see the day on which that principle should be established in this country.

To return for a moment to the situation of the clergy of the Church of Ireland, I have endeavoured to show that they are not receiving a superfluous allowance for the services which they perform. I have endeavoured to show from reference to statistical facts that where their allowance is superfluous, if indeed it ever be so, it is the exception and not the rule. I contend that if you are to have an established religion, and ministers resident in every parish, two things are necessary. The provision made for them must be certain—it must be beyond the reach of fraud—it must be beyond the reach of agitation—it must be beyond the reach of influence, in order to avoid the disgrace of the pastor's shaping his doctrine, not to the standard of truth, but to the taste of his hearer. It must be sufficient—sufficient to maintain them in an independent station, and not only them, but their families, for our religion permits our clergy to marry, and the dark annals of the Church have taught us, that an unmarried, is an unholy priesthood. I contend, therefore, that the salary attached to the majority of Irish benefices, is not too large for the maintenance of their incumbents in conformity with the Protestant principles, which I thus advocate. Having put this question upon religious grounds, I do not wish to lower my argument by resting it upon grounds of mere political expediency. I think, however, that the great evil of Ireland being the absence of its resident gentry, the residence, in each parish, of a well-educated gentleman, in whom the exercise of episcopal restraint, if not his own better feelings and sense of shame,

is certain to produce the example and influence of good morals, is calculated to be an active instrument of good government, and of constant beneficence, especially since the income of the Clergyman is always spent in his parish. I have testimony upon this point from a quarter from which I did not expect to receive it. That testimony proceeds from the hon. and learned, Member for Dublin. In the year 1825, the following question was put to him:—"Is it not necessary, at present, to have clergymen magistrates in some parts of Ireland, for want of proper people to act?" The reply was, "Certainly it is; the rectors of the Established Church are generally gentlemen of education, and constitute, as a portion of the magistracy, in individual instances, a most respectable and befitting class." I am well aware, it is contended, that the connexion of religion with politics desecrates religion, and embitters political hostilities. I cannot admit this doctrine to its full extent. There is a passage expressing my opinion, upon this subject, in language so much superior to any that I can use, that, although it is the language of a humble country clergyman one of that class, which it is the object of this resolution to remove from certain parts of Ireland, I will give it, as well as my memory will allow, in that country clergyman's own words. That country clergyman is the immortal Hooker; and the words are these: "There is a politic use of religion: men fearing God are thereby a great deal more effectually than by positive laws restrained from doing evil: for these laws have no further power than over our outward actions only; whereas unto men's inward cogitations, unto the privy intents and motions of their hearts, religion serveth for a bridle. What more savage, wild and cruel than man, if he see himself able either by fraud to over-reach, or by power to over-bear the laws, whereunto he should be subject? Wherefore, in so great boldness to offend, it behoveth that the world should be held in awe, not by a vain surmise, but by a true apprehension of somewhat, which no man may think himself able to withstand; and this is the politic use of religion." But it may be said, that in the line of conduct which I am now adopting, I am deviating from those genuine Whig principles upon which I have acted, since my entrance into public life; and in which I hope, and still flatter myself, though

hon. Members may sneer at the declaration—I shall persevere until its termination. What are these principles? I speak here in the presence of many distinguished Members of the Whig Party; in the presence of a Russell, a name famed for the support of these noble principles, not more of liberty than of the Protestant religion, and if I might venture to define Whig Principles, as I embraced them, I should say, that they consisted in the assertion of the utmost liberty of thought and of action in all matters, whether of politics or of religion consistent with law, order, and constituted authority. No death's head and cross bone denunciations against the free exercise of the elective franchise. No prayer of mercy, limited to heaven, but denied on earth, to the unhappy Catholic, who shall dare to vote for a Conservative candidate. No, Sir, they consist no less in love of freedom, than in jealousy of Popery as an instrument of dominant Political power, and in ardent uncompromising attachment to the Protestant religion as by law established in these realms. I have been induced, Sir, to lay before the House the grounds upon which I intend to give my vote on the present question. I told you that I had, upon this subject, religious feelings; that the property, the disposition of which is the subject of our discussion, was set apart by the piety of our forefathers whether in England or in Ireland, to maintain and to propagate the Protestant religion—and I tell you that it is sacred, and must be applied to that purpose. Those, who minister at the altar, shall live by the altar: this decree is high as Heaven; you cannot take it away: it is strong as the Almighty, you cannot overthrow it: it is lasting as the Eternal, it can never cease to bind you. It is binding on you as Christian Legislators and as Christian men; and for one, there is no consideration on this earth, which shall induce me to compromise or to violate it.

Lord *Howick* observed, that his right hon. Friend who had just sat down, had stated to the House, that in the view which he took of the question, he was actuated by a strong religious feeling. He could assure his right hon. Friend that he gave him the fullest credit for pure motives, and he hoped to receive credit for being himself actuated by no other motives, together with a strong desire to

benefit the religion he professed. He had listened with the utmost attention to his right hon. Friend's arguments, and having done so, he confessed himself totally at a loss how to arrive at the conclusions which his right hon. Friend had come to. His right hon. Friend had distinctly and explicitly stated, that he agreed with the noble Lord, the Member for Devonshire, in the opinions which that noble Lord had expressed with respect to corporate property, and he quoted the words of Mr. Hallam, upon that subject, observing, that in those words he entirely concurred. His right hon. Friend admitted that corporate property was property to be made use of for certain purposes; he threw overboard at once the doctrine of any resemblance between corporate property and private property. He admitted that it was granted for certain uses, and that it was the duty and the business of the Legislature, to see that it was made to answer those purposes. But then, said his right hon. Friend, the property of the Church of Ireland was given for this use, to sustain and propagate the Protestant religion. If he were disposed, he might find some little fault with that proposition; he might say, that the property of the Church of Ireland was given, not merely for the purpose of maintaining and propagating the Protestant religion, but for the purpose of exciting in the minds of the Irish population a higher and more exalted notion of religion generally, and of promoting the general peace and welfare of the kingdom. But even admitting for a moment that his right hon. Friend's views were correct—admitting that the property of the Irish Church was granted for the purpose of maintaining and promulgating the Protestant religion in Ireland, he would ask his right hon. Friend, had it succeeded in those objects—had it maintained and promulgated the Protestant religion? His noble Friend, the Member for Devonshire, had made a striking statement of the decline of Protestantism in Ireland, under the influence of the existing system, and he (Lord Howick) remembered that the right hon. Baronet opposite (Sir R. Peel) in the speech with which he introduced the Bill for the Emancipation of the Roman Catholics, asked the same question that he (Lord Howick) then put to his right hon. Friend with respect to the Penal-laws under which the Catholics at that time laboured.

He confessed, that to him it was no matter of surprise that the people of Ireland should feel themselves aggrieved and insulted when they saw so large a portion of the property of the country as that claimed by the Established Church devoted exclusively to the maintenance of a clergy from whose creed they were perfect aliens. But that, in his opinion, was not the only cause of the decline of Protestantism in Ireland. He had only to look at what is constantly passing in Ireland, and to what sometimes takes place in this House in Irish debates, to be convinced that the system has not only failed to propagate the Protestant religion amongst the Catholics of Ireland, but that it has also been most injurious to the true interests of religion among the Protestants themselves. Did they not continually see in the Irish newspapers, accounts of great Protestant meetings, at which speeches were made, calculated only to excite the worst passions of human nature, to inflame the party spirit which prevailed in the country, and to keep alive feelings, the very reverse of the spirit of Christianity and peace? When he saw the accounts of such proceedings as these, and that the most objectionable of the speeches to which he referred were delivered by Protestant clergymen, he felt that the worst effects of the injustice which had been committed in Ireland, had fallen back on those whom it was meant to favour. When he said that he did not so much mean to blame individual clergymen for their conduct, as to condemn the system to which that conduct was to be attributed, since it placed them in a situation in which, with the ordinary feelings of human nature, men are almost sure to fall into error. In stating the argument that the property of the Protestant Church in Ireland could not be alienated from strictly Protestant purposes, his right hon. Friend had asked, in illustration of his objection to the principle of this Resolution, whether it would not go to warrant the application of any surplus fund in the hands of the Corporation of Liverpool to the formation of a ship canal between Kingston and Dublin. That property was held by the Corporation for the improvement of the town and harbour of Liverpool, and his right hon. Friend had asked the question whether they could, under any circumstances, argue that there being a surplus beyond what could be advan-

tageously applied to those purposes, they had, therefore, a right to direct a portion of the funds to the formation of the ship canal, upon the plea that this would be an indirect mode of promoting the same object, namely, the improvement of the trade of Liverpool; and he had shewn that such a proceeding would be unjust and dangerous. He would take his right hon. Friend's own illustration, and in his turn would ask his right hon. Friend a question. Let them suppose that the property of the Corporation of Liverpool consisted not in tolls levied on vessels coming into the harbour, but in rents of lands and in tithes, given originally for the purpose of maintaining the harbour, and improving the navigation; let them further suppose, that in course of time, from natural causes, the navigation came to be destroyed, and the harbour blocked up:—Would his right hon. Friend, in that case, maintain that he could not apply that property of the Corporation of Liverpool to any other purpose but the hopeless one of digging through continually-increasing sand banks, and of fighting for ever with the winds and waves? Would his right hon. Friend contend that they should still go on applying the property in vainly striving to keep up that as a harbour which nature had determined should no longer be accessible to shipping. He could fancy, under such circumstances, a Bill brought into Parliament to authorize the devotion of the funds to some more feasible object; and his right hon. Friend coming down to the House, and saying "This is corporate property,—and I admit the right of the Legislature to regulate its employment, and see that it is duly applied to the objects for which it was intended; but I contend you must confine its use strictly to the purposes for which it was originally granted; and we must examine carefully what those purposes are. Now, I have in my pocket an old charter, and I find that the property was expressly given to keep up the harbour at Liverpool; no matter, therefore, whether nature has made that impossible, still I cannot consent to the alienation of that property to any other purpose, how beneficial soever it may be to the public; for by so doing, I should be sanctioning a principle to which I have been all my life opposed. His right hon. Friend was embarking in a contest as hopeless as that would be, when he would retain the pro-

perty for the support of the Protestant Church in Ireland, in spite of the feelings and wishes of nine-tenths of the population. His right hon. Friend would convert the property, which ought to be the means of spreading the benefits of peace, civilization, and religion through the country, into the means of deluging Ireland with blood, and throwing it into confusion from one end to the other. His right hon. Friend had acknowledged the principle laid down by Archdeacon Paley; that the established religion ought to be the religion of the majority; but then, he added, that it must be the religion of the majority of the whole empire. Such a proposition, proceeding from a gentleman who came from so very near the Scotch border, was certainly not a little astonishing. Why did not his right hon. Friend propose to recommence the insane enterprise of the monarchs of the Stuart family, and attempt to dragoon the Scotch Presbyterians into the acceptance of episcopacy? On his own principle he was bound to do so. But again, his hon. Friend said, that the Resolution of his noble Friend might possibly be admissible, if it could be shewn that Protestant uses were exhausted in Ireland. He must confess that this was a doctrine which sounded to him very extraordinary. Did his right hon. Friend mean to say, that as long as there was a single Protestant in Ireland no application of this property, which he (Lord Howick) maintained was given for the good of the whole people and not for a party, was to be made which should benefit the nation at large? If so, he owned, that was a doctrine which he was unable to comprehend. But his right hon. Friend, feeling, perhaps, that these were not grounds for maintaining in its present disproportionate condition the Protestant Establishment in Ireland, stated another ground; he said, that the House was bound to decide upon which was the true faith; and in stating this, he added, that he conceived himself to be stating nothing which was at variance with the real principles of complete toleration. But did his right hon. Friend really mean to convert this House into an arena for theological disputes? Was he, on the one side, to come down armed with the huge volumes of the fathers, and the hon. and learned Member for Dublin, on the other, fortified by the councils and the decretals of the Church

of Rome, and to argue which was the true religion, the Catholic or the Protestant? And if (which might by possibility be the case) the decision should be adverse to his right hon. Friend, did he mean to say, that he would then be prepared to allow the hon. and learned Member for Dublin to introduce a Bill declaring that, for the future, the established religion of this country should be the Catholic religion? Was his right hon. Friend prepared to follow out his principle to that result? If so, why did he not act upon it with respect to Canada? Why not propose to add this one, which was now happily wanting to the other causes of discontent in that colony? He confessed, that it always grieved and surprised him to hear men who called themselves Protestants, make use of such language as this. He had always thought that one great service which the authors of the Reformation did to mankind, was that they emancipated the human mind from those fetters under which it had so long groaned, and established the exclusive right of private judgment, and he did not expect that any man who professed to follow in their steps would have ventured to come down and call upon those who seriously differed from him, to assent to any change of policy which he might propose, upon the ground that his religion was true, and their's false. Was it because we were a majority, that we had a right to insult the people of Ireland, by talking to them of toleration. To use such language was an insult to any man. For his own part, he was most sincerely and conscientiously a Protestant. Not only did he dissent from the Catholic Church, but he owned (and he was sure that no Roman Catholic would be offended at the avowal) he was not able with any powers of his mind to comprehend how those who acknowledged the authority of the Scriptures could assent to the Roman Catholic creed. It appeared to him to be a lamentable corruption of the purity of the Christian faith. [*Cheers and Laughter.*] Some hon. Members laughed; but was there anything approaching to intolerance in his avowing these opinions, when he declared that he was no less convinced that others entertained precisely opposite opinions with equal sincerity? Nor would there be any difference of opinion between him and them, if putting aside all angry attempts to prove one or the other to be right—if giving up all

useless attempts at proselytism, they on both sides endeavoured to advance those principles in which they all agreed, those fundamental principles which formed the basis of every Christian faith, freedom of opinion and the enlightenment of the minds of the people; leaving it to time, discussion, and reason, which were ever favourable to truth, to determine which form of Christianity was the true one. His right hon. Friend was but an ill-judging friend of the Church of England if he rested its claims upon the grounds which he had this night avowed. The Church of England rested upon its practical utility, and upon the affections of the people. He was happy to believe, that the reforms proposed by the right hon. the Chancellor of the Exchequer would increase that utility and confirm its hold upon the feelings of the people. But it was upon that utility and those affections only that it could ever rest; and if unfortunately those foundations should fail, it would be in vain for the right hon. Baronet, or any one else, to endeavour to uphold it by proving its doctrines to be true. Let the doctrines be the best that could possibly be imagined, the Church would fall, wanting those foundations, in spite of all efforts to maintain it. His right hon. Friend had asked whether those who sat on the Opposition side of the House concurred in the principles contained in the letters of the hon. and learned Member for Dublin on the subject of tithes. He for one avowed that he did not; and he would rather say that it was because he did not, and because he wished tithe property to be preserved, that he was so anxious to adopt the Resolution which his noble Friend had this night proposed. It was idle to conceal from themselves what was the real grievance of the Irish Church. It was not that tithes were collected; it could not, therefore, be gotten rid of by a transference of the payment of tithes from the tenant to the landlord. He listened attentively the other night to the right hon. the Secretary for Ireland, when he introduced the Resolutions respecting tithes; but that right hon. Gentleman did not venture the assertion that the Irish people were hostile to tithes. He would admit, that there was a very considerable mistake in Ireland as to the nature of tithes; and that the people generally regarded them as a tax, and were anxious for their complete aboli-

tion. He agreed that this abolition would be of no benefit whatever to the great body of the people; but that by the competition for land, the whole benefit would be thrown into the hands of the landlord. But did it, therefore, follow that there was no real grievance? The people of Ireland were groaning under this grievance—namely, that property intended for the most important and useful purposes, for the benefit of all, was now applied in a manner useful to none, but injurious. It was acknowledged not to be useful to the Catholics, and he believed it was not conducive to the real interests of Protestants themselves. It would be better for the highest, because the eternal, interests of Protestants themselves, if this property were at once swept away, rather than continue in its present state, and be the subject of such strife as that which it was now. It was not sufficient to change the manner in which tithes were collected, in order to correct the evils that existed. The Bishop of Ferns, in 1831, stated that it was not to the manner of collection, but it was to the payment of anything, over the application of which the Irish people had no control, that the objection was made; and in 1832, Mr. Brownlow gave us the same warning—he warned the then Secretary for Ireland of the utter folly of the Bill he then introduced upon the subject of tithes, unless he consented to give the people an interest in the application of that property. He had always heard this warning of Mr. Brownlow with the most deeply painful feelings, fearing that it would turn out to be true; and it was only from the conviction, that after the passing of the Reform Bill, Parliament would deal with this question upon principles of justice, that he gave his support—he would say, his reluctant support—to the tithe measure of that year. Since then things had greatly altered. The right hon. and gallant Secretary had informed the House that all the warnings of Mr. Brownlow had proved to be well-founded; that tithes, since then had not been collected, and that the only thing to be done, was to preserve the property which still remained. He was anxious to do so; and, with that view, they must proceed to give the people of Ireland an interest in the application of tithes. The last attempt to defer the settlement of that great question was defeated by the colleagues of the right hon. the Chancellor

of the Exchequer opposite. Any ordinary penetration might have been sufficient to convince any one, that when the House of Lords rejected the Tithe Bill of last year, they sealed the fate of the Protestant Establishment in Ireland. In that circumstance he saw a complete answer to the whole speech of the right hon. Baronet the Paymaster of the Forces. Like the hon. Member for St. Alban's, he was unable to find in that speech anything but a series of personalities, the burthen of which was, that last year the Gentlemen on his (Lord Howick's) side of the House had voted for the previous question on the Resolution proposed by the hon. Member for St. Alban's, and that now they had brought forward a similar proposition themselves. This, however, was not correct—the Resolution now before the House was not the same as that proposed last year by the hon. Member for St. Alban's. The present was free from serious objections to which the former Resolution was liable; but if it were drawn up in precisely the same words there would not be the slightest inconsistency on his part in supporting it. When the previous question was moved last year, the then existing Government had, by the issuing of the much-talked-of Commission, avowed their intention to recognize the principle of appropriation. The right hon. Baronet opposite now stood upon a totally opposite principle, and it was necessary to decide whether Ireland was to be governed on one principle or the other. The right hon. Baronet, the Paymaster of the Forces, said, that the late Government acknowledged last year, that it had not the information necessary to enable it to deal with the question. He would at once admit, that it was possible that when his noble and right hon. Friends should come to devise the practical details of the measure, it would be necessary for them to have before them the information which would doubtless be contained in the Report of the Commissioners, and he trusted that there would be ample time to proceed upon that Report during the present Session, and that the Tithe Bill would not be allowed to go out of the House without containing clauses in which the principle for which they were this night contending, should be embodied. In the meantime, however, he would maintain that the House was in possession of all the great leading facts which would enable it to

form a judgment with respect to the principle. His right hon. Friend had never denied the great and striking fact, that in Ireland an immensely wealthy establishment was kept up for purposes from which the great body of the people derived no benefit; and that the present condition of Ireland furnished the most clear and practical proof that that establishment had utterly failed to answer the great ends for which it was instituted. The plan which had been sketched out by his noble Friend who brought the subject before the House was, to provide for the maintenance of a sufficient number of Protestant ministers, and then to apply the surplus to the furtherance of the system of national education, of which his noble Friend, the Member for North Lancashire, was the author, and which, he was happy to hear, was working well. He asked, on the very principle upon which his right hon. friend was proceeding, how could there be a less objectionable mode of appropriating the surplus? It not only gave them the means of keeping up the Church Establishment in Ireland, but also the best means of propagating the Protestant religion there; for he maintained, that the best mode of converting the people of Ireland to the Protestant faith, was by spreading amongst them a rational system of education. If they looked only at the interests of the Protestant Establishment, apart from all other considerations, there could not be anything better calculated to promote the interests of that religion, and if they looked at the interests of religion generally, education was essential to its success. He had endeavoured to answer the arguments adduced by his right hon. Friend; but, before he concluded, he was anxious to make a few observations upon the alternative now presented to the House. "If, (said the noble Lord) we are not to adopt the principle contained in the Resolution, what are we to do? Are we permanently to maintain the existence of the Church of Ireland in all its present excessive luxury? Are we to maintain the struggle which is now commencing? I presume that those who oppose the Resolution not only think that we ought, but that they firmly believe that we can do so; for I suppose there is no man in this House so wicked or so mad as to incur all the evils of that struggle if he thought that we must ultimately give way." The

right hon. the Chancellor of the Exchequer, when speaking on the Catholic question, distinctly stated, that whatever was his objection to concession, yet the moment he conceived concession to be inevitable, he thought not only common sense, but duty, required that they should at once make that concession with the best grace possible. We should do well to look back at the whole progress of the Catholic question, and to consider the disadvantageous circumstances under which it commenced, and the obstacles which it had to overcome. Yet in spite of all these disadvantages, that cause made its way; and after thirty years of divided government and distracted councils, the right hon. Baronet himself was compelled to come down to this House and state his undiminished objections to the measure, but that he must abandon them from an utter failure of the means of longer resistance. The measure was then carried in a manner and at a time which robbed it of more than half its benefits and of all its grace. The right hon. Baronet on that occasion asked, "Can a Government be formed on the principle of permanent resistance to Catholic Emancipation? I would put it to the House whether the principle of continued resistance can be acted upon without endangering the local interests of the empire? I wish that in the discussion of this point, the arguments may be put fairly; for, if it can be shown me, as a Minister of the Crown, that permanent resistance cannot be made with safety to the State, then I say that no other course is open to us than concession on such terms as I have stated. I ask, then, is the Government of this country to be formed on the ground of permanently opposing the claims of the Catholics? It is very easy to say that it is to be so formed; but the question here is not as to what is to be said, but what is to be done?" Were these circumstances, he would ask, more or less applicable to those of the present period? At that time the right hon. Baronet had been anticipated in his concession by the expressed opinion of the House of Commons; for, in 1828, the year preceding that in which the right hon. Baronet had spoken what he (Lord Howick) had just quoted, the principle of concession to the Catholics had been carried in the House of Commons by a majority of six. What was the

state of the present question? Three-fourths of the last House of Commons were opposed to the continuance of the Protestant Establishment in Ireland on its present footing. The present House had not yet expressed its opinion, but he hoped it would do so, as unequivocally, and by a still greater majority than its predecessor. As to the possibility of carrying on the principle of resistance to Ecclesiastical Reform on these broad and equitable terms, the right hon. Baronet had got a pretty significant hint the other night, on the Tithe Question. Although he (Lord Howick) did not vote, neither did his right hon. Friend the late Secretary for Ireland. On that question, the right hon. Baronet had only a majority of fifteen. Was it likely, then, the right hon. Baronet could carry through his resistance to the great principle on which so large a portion of that House were united? The next argument the right hon. Baronet adduced at the time of conceding the Catholic claims, was that the difference of opinion would, if a settlement were not effected, produce a collision between the two Houses, most dangerous in its effects. Have, he would ask, events lost their force since 1829, or have recent events seemed less likely to produce collision, or were they more free from danger than on the occasion of the Catholic question? If not, he (Lord Howick) called on the right hon. Baronet to concede now, on the very same grounds of policy on which he then made concessions. But there was one other and still stronger argument used at that time by the right hon. Baronet. The main argument on which he relied, and with the greatest effect, in behalf of the concession, was the unhappy state of Ireland. He well remembered the feeling eloquence with which the right hon. Baronet called on the House to end the distractions of that divided country, and equally well did he (Lord Howick) remember the answer given to that appeal by the right hon. Baronet's present colleague, now sitting by his side. "Oh," said that right hon. Gentleman, "this is only the old story with which we have been familiar for the last twenty-five years." The right hon. Baronet replied, "I am told, that this is the old story with which we have been familiar for the last twenty-five years." It is because it is the old story; that I desire to put an end to it.

It is because that which so long existed has failed; that I am tired of maintaining the present system." The right hon. Baronet might well have been tired of it. He (Lord Howick) called on him to put forward the same views to-night. He called on him to change that system, the success of which he certainly could not allege, and the continuance of which would be productive only of disunion and weakness. He called on the right hon. Baronet to follow that very same course which under similar circumstances, he had formerly taken; and he called on him the more earnestly because they were this night to decide whether they were to maintain the Protestant Establishment in reference to the benefit it was capable of conferring—in fact they were to try it by the test of its comparative utility to the people of Ireland. The question on which they had to decide, he (Lord Howick) was willing to judge on the same arguments used by the right hon. Baronet himself, when he proposed that they should concede. The right hon. Baronet, after using the arguments already quoted, went on to state that the public feeling should be gathered from the large constituency whose Representatives spoke their wishes in that House; and as evidence of the prevailing desire to concede the Catholic claims, he said that sixty-two of the Irish Members were favourable to concession, and only thirty-two were opposed to it. The sixty-two Members in its favour were the Representatives of the most populous districts. He (Lord Howick) believed the numbers expected to divide on the present question would not be much altered. From sixty to sixty-five of the Members from Ireland would be in favour of this question, and these Representatives of the largest constituencies. "It is," said the right hon. Baronet, "impossible to go on. You must do either of two things. You must go back to the Penal laws and again crush the Catholics down to that state from which you have raised them, or you must at once concede to them their claims." Was not such an argument of tenfold greater force in the present instance? Having conceded emancipation, and still further invested the Irish people with power by the Reform Bill, did they hope to govern that country now on other terms than those of the period at which the right hon. Baronet had thus spoken?

Already, he believed, he had said enough on that view of the question; he should no longer pursue the parallel between the circumstances attendant on Catholic Emancipation and those so remarkably connected with the subject before the House; but he called on the House and on the right hon. Baronet to bear in mind what followed from the former struggle being unwisely, as it was fruitlessly protracted. He would not now say, or undertake to remind the right hon. Baronet, on whom the responsibility rested of preventing the settlement of Catholic Emancipation four or five years earlier than it had taken place; but he (Lord Howick) called on him, ere he repeated the error in judgment, which in so many respects was productive of such irreparable injury—he called on him to avail himself of the experience he derived from that question, the concession of which he had himself personally proposed. Upon the right hon. Baronet, continued the noble Lord, and upon the course which he shall now pursue, mainly depends the question whether this great measure shall be now quietly and peaceably settled in time to have those healing effects which are anticipated from it, or whether we shall again commit the fatal mistake of allowing the proper season of concession to escape us, and to postpone and put it off until the very accumulated pressure of increasing difficulties shall break through all opposition, and perhaps in so doing, break down and destroy the bulwarks of our most valuable institutions. That time, I say, mainly depends upon the right hon. Baronet; but there is no Member in this House whose vote on this question can fail to have a material influence in promoting the one or the other of these results. I hope that there is not the slightest doubt of a majority in favour of the proposition of my noble Friend, but it is upon our having a large and a decisive majority that our main hopes of the peaceable and happy settlement of this question chiefly depends. Sir, it is, therefore, the bounden duty of every Member of this House to reflect upon the heavy responsibility which now rests upon him, and to consider that he is bound to act upon the deliberate and unfettered dictates of his own judgment; not from any mere personal consideration, or from any desire to support the party to which he happens to be attached, or adhere to

pledges inconsiderately and hastily given. For myself, I claim to act upon that principle which I thus earnestly recommended to others. The right hon. Baronet opposite, the Paymaster of the Forces, indeed did state, that this question was brought forward from a mere factious and self-interested motive. He expressed his bitter regret that this should have been made a party question. I can assure the right hon. Baronet that he has my most unfeigned pity, if, judging from what is passing in his own mind, he thus forms his opinion of the motives by which other public men are actuated in the discharge of their public duty. I have only this to say, that so far from having the slightest wish to supplant the present Government, the House are aware—at least, those Gentlemen who do me the honour to remember the observations I offered on the subject of the Address, are aware—that I distinctly supported that amendment upon one ground, thinking that it would not have the effect of overturning the Government. Since that period I have strenuously refused to concur in any motion having for its object the overthrow of the existing Administration. I have taken that course, not because I have the slightest confidence in the Government, not because I acquiesce in the doctrine of “measures, not men”—but simply for the reason that, in the actual state of parties and public events, I did not see the means of meeting the difficulties which I anticipated would arise from the sudden and abrupt dismissal of the existing Ministry. Sir, these difficulties I still see, and I will acknowledge that my apprehensions are not diminished at the present moment. It is, therefore, to me far from being matter of congratulation that his Majesty’s Ministers have staked their existence as a Government on their being able to maintain the Irish Church in its present state. I would rather they had done on this as they have done on other matters. I would rather that in the Government they had forgotten what, perhaps, they now repent having said in opposition, and adopted the views of their predecessors. I should have been well content, for the sake of those with whom I act, if they had resigned all claim to the merit of carrying those great and healing measures, which I hope will be carried, in order that they may be brought to a successful termination peaceably, quietly, and without injury to the

State. But, Sir, if the right hon. Gentlemen opposite have determined otherwise, it is not for me, when a question is brought before the House, on which I am distinctly called upon for my opinion, as I am on the most important subject which is now submitted to our consideration, it is not for me to shrink from expressing my deliberate view of the case, whatever may be the result of our decision—whatever be the termination of the course which they think proper to pursue. I do believe, Sir, that a concession to the wishes of the Catholics on this subject is required from us, not only by sound policy—not only by a due regard for the safety of the British empire, but by the eternal and immutable laws of justice; and with this conviction, and entertaining these opinions, I have no option but to give the vote I shall this night record in favour of the Motion of my noble Friend; trusting that many other hon. Members will adopt a similar course of proceeding.

Debate Adjourned.

HOUSE OF LORDS,

Tuesday, March 31, 1835.

MINUTES.] Petitions presented. By the Earl of MANSFIELD and another NOBLE PEER, from four Places,—for Additional Accommodation in Scotch Churches.—By the Earl of RYON, from the Agriculturists of Spilsby, for Relief.—By the Bishop of LONDON, from the Bakers of Healey, for the Better Observance of the Sabbath.

CRIMINAL JUSTICE (IRELAND).]

The Duke of Wellington said, that, with reference to the question which had been put to him yesterday by the noble and learned Lord opposite, as to a supposed mistake in the execution of a man, he had now a letter which would enable him to give their Lordships some further information. The case was that of a person named Savage; he had inquired into it, and should now state the result of the inquiry. The noble Duke read a letter which stated that at the trial of Savage, Mr. Justice Torrens sat for Mr. Justice Moore in the Crown Court. Savage was indicted for the murder of his wife committed nine years ago. The murder was committed by the husband in the most barbarous manner, and it was believed that he afterwards carried the body out on his shoulders, and buried it in the river. The felony itself was clearly proved, and indeed never had been brought into question. The prisoner had never since been seen in that part of Ireland where the murder was

committed but once, which was about two years ago, when he was met on a mountain by the brother of the wife, who was horrified at seeing him, and who reproached him for the murder. When thus reproached, all he said was, that he regretted he had not killed more of them. He was not seen again till he was apprehended. In the interval he had gone by the name of Pyne. Mr. Justice Torrens had appointed an attorney named Whelan to prepare his defence, and a counsel named Hazard to defend him, and he encouraged the man freely to communicate with them on the subject of identity, which, indeed, was the only question in the case. On that subject the prisoner maintained a dogged silence. The prisoner was sworn to by his two brothers-in-law and by other witnesses. A person named Ronayne was examined for the prisoner, and said that if the prisoner was the man, he was so altered that the witness should not have known him. Mr. Justice Torrens excluded a confession of identity upon some technical grounds, but there was besides sufficient evidence on the point. The prisoner did not bring any other evidence than that already mentioned to show that he was not Savage the murderer. The letter went on to state that there was not the smallest doubt as to the propriety of the conviction, or as to the conduct of Mr. Justice Torrens. The noble Duke expressed his hope that this explanation would be deemed by their Lordships fully satisfactory. There was a paragraph in the letter which he did not read, as it was relative to a private matter connected with the transaction, though he might say that that only made the subject more clear.

Lord Brougham said, that nothing could be more satisfactory than the noble Duke's statement; and the case turned out as he supposed it would. The facts had been before the jury upon the evidence, and they had formed their opinion upon them. They might be right, or they might be wrong, but they had decided the question, and he did not impeach their verdict. They had the evidence of the two brothers-in-law before them, and all the evidence on the other side was that of Ronayne, who said that if the prisoner was the man, he was very much changed in the time—a circumstance which, with a man who had committed a murder, was very likely to happen. It would give much satisfaction to the people to know that in this case

there was no doubt that the real criminal had suffered.

GAOLS (SCOTLAND).] The Earl of *Roseberry* said, that the gaols in England having been made the subject of inquiry, and having been referred to a Committee, he hoped that the Committee would be induced to extend their inquiry to Ireland and Scotland. This, at least, he could tell them, that in Scotland the state of the gaols was such that improvements were more wanted in them than in the gaols of this country. He was desirous of obtaining some authenticated information on the subject, and he thought that their Lordships could assist him in doing so. In 1829, at the instance of the then Lord Advocate, an inquiry had been made into the state of the gaols in Scotland, and he wished to see the reports made in pursuance of that inquiry. He moved that the Reports made in pursuance of the 10th Geo. 4th, c. 54, relative to the gaols in Scotland, be laid upon the Table.—Ordered.

THE CHURCH OF ENGLAND.] The Marquess of *Westminster* rose to present the Petition with which he had been intrusted by the Mary-la-bonne Vestry. The noble Marquess said, that the noble Baron near him had wished this petition to be delayed in order that he might be present when it was brought under their Lordships' consideration.—The signatures to this petition were most respectable; and the petition was agreed to by a large majority of the vestry at which it was discussed. He believed that the noble Baron near him was almost the only dissentient. It was a petition asking for Church reform, from those Ministers who now suddenly appeared as Reformers, and claimed as much credit for being so as belonged to those who had been Reformers all their lives, and who had made many sacrifices for the principle of Reform. The petitioners were friends of the Church, as their Lordships would perceive, from the very respectful and temperate manner in which the petition was worded. The petitioners asked for Church reform, and said that the stability of the Church would be much improved if that reform was conceded, at the same time that general satisfaction would be occasioned by it throughout the country. This moderate language showed the peti-

tioners to be friends of the Church. The petitioners then objected to pluralities, and afterwards went on to ask that some means of preventing non-residence might be adopted. In his opinion, the one was very much connected with the other; so that if their Lordships put an end to pluralities, they would at the same time put an end to non-residence. The petitioners then asked that the revenues of the deans and chapters should be appropriated to the maintenance of the Churches. He remarked, that there were many instances in which estates, lying at a great distance from the Episcopal Sees to which they belonged, had been converted from leaseholds into freeholds—that much money must have been paid as the purchase of such a change, and that the sums thus obtained had not been accounted for. Was it not possible that some portion at least of this money might have been applied to the support and maintenance of the Church? The next was a most important part of the petition: it stated that the petitioners regretted that the right reverend Prelates should belong to their Lordships' House, that it would be much better for the welfare of their flocks if they were to retire to their Sees, where they could employ themselves more for the advancement of the real good of the country than when they were thus tossed about in the storms of political life. Some thought it would be better if a portion of the Bishops were to withdraw from their legislative duties—others that the whole of them might be spared. The petition then referred to the property of the Church, and asserted that it was also the property of the State, and might be dealt with as such. In his opinion the petitioners were not far wrong when they asserted this, and it seemed to him that the comparison so often drawn between Church-property and private property was not well founded.

Lord *Kenyon* said, that in wishing to have the opportunity of hearing this petition presented, he did not desire to enter at large into the subject matter of it; what he wished to state, was the manner in which the petition had been got up, and the mode in which the discussion at the vestry was conducted—a manner and mode that he thought would show that the spirit of the petitioners was not altogether so friendly to the Church as the noble Marquess had represented it. In the first place, the noble Marquess had represented

this as the petition of a majority of the vestry of the most important parish of the metropolis. The vestry itself consisted of 120 persons, and 56 names were signed to this petition. Their Lordships would say how far that was a majority of the vestry. Then the noble Marquess said that the petition was in a spirit of friendship towards the Church, and that the petitioners only wanted to remedy the abuses of the Church, and thus conduce to its stability. The first person who brought forward this petition was an avowed Dissenter; he could not be said to be attached to the Church; indeed, there was some doubt whether he was much attached to religion itself, for he was an avowed Unitarian. The second was a man who had retired from holy orders, and who expressed himself in terms of positive abuse towards the Church. There was, indeed, exhibited at the vestry an indulgence in sarcasm that was actually indecent, such as no person ought to use before a mixed society. He felt it his duty to remonstrate, and to ask this person what he should think of his (Lord Kenyon's) conduct, as a man professing liberal opinions, if he were to take the opportunity, before a mixed assembly, of imputing blame and casting ridicule on those who did not agree with him in religious opinions, and how such conduct could be justified in one who called himself a Christian Dissenter? This person, however, persevered, and the vestry thought fit to allow him to do so; when, of course, he (Lord Kenyon) retired with a feeling of disgust, which he hoped and trusted all who heard him would equally feel at such conduct. The noble Marquess said that these petitioners were friends of the Established Church; yet they maintained that the property of the Church was the property of the State, and that the State might deal with it as it pleased: and the noble Marquess himself maintained that the State might deal with it as with other property. Even on his own argument, however, if the State dealt with it as with other property, the State would not deal with it as was now desired, in the way of spoliation. He repeated, that at least four-fifths, if not nine-tenths, of the persons at this meeting, were Dissenters. They expressed themselves with little courtesy of the Church; and their Lordships would say, after what they had heard, whether this petition was to be considered the petition of the friends of the

Church, and whether it could be entertained as such by their Lordships.

Lord *Brougham* entirely agreed with the noble Lord who had just spoken, that it was a wrong course—it was one calculated only to give pain to those who observed it, for persons in discussing matters of this sort to throw out abuse on opinions which happened to be entertained by other persons. If the noble Lord had a little more carefully considered the doctrine, the excellent doctrine he had thus thrown out, he would have abstained from saying something which he had allowed to escape him when he stated, that a person at this meeting not only could have had very little regard for the Church, but could hardly be considered to have had much regard for religion itself [*No, no!*]*—yes, yes!* for religion itself the noble Lord said—for he was a Unitarian. It was possible that this person might not have had much regard for the Church—very possible that—but when the noble Lord pronounced *ex cathedrâ*—he did not know whether the noble Lord called that House a mixed assembly—but when the noble Lord pronounced *ex cathedrâ* in his place in that House, that a certain sect, which called itself Christian, was not much attached to religion itself, he was saying that which, if not uttered in the spirit of persecution, did in itself not much savour of toleration. He thought that they ought to be uniform in their conduct—that if they said that the Unitarians were not Christians, they said what the Unitarians denied; and persecution consisted very much in men holding their opinions as the standard of truth, and denouncing men who did not agree with them as persons who were not Christians. He was sure that the noble Lord could not have meant to do this, yet nevertheless he had done it. At all events they were bound to treat the Unitarians with fairness; to be denied to be Christians was looked on by them as a great grievance—and those who said that the Unitarians were not Christians, ought not to avail themselves of the help which the Unitarian writings, excellent writings of excellent and able men, afforded them in their contests with professed infidels, but this they did; and not only availed themselves of the writings, but of the names of the writers, for he could mention some whose names were quoted as men of weight and authority on this subject. In his mind a late right reverend Prelate had laid down

the true Christian rule on this subject, and had set a most excellent example. Speaking of the Unitarians, a late Bishop of Llandaff had said "I differ from you most essentially, but I am far from denying that you are Christians and most respectable men; you have your opinions and I have mine." He could not hear the noble Lord use the expression he had used without stating his opinion on the subject. At the same time that he said this of the Unitarians as a body, it did not follow that the conduct of the particular Unitarian alluded to by the noble Lord was right.

The Bishop of *Exeter* did not complain of any intentional want of courtesy towards the Church by the noble Marquess who had presented this petition, but there was one expression used by the noble Marquess to which he must for one moment call their Lordships' attention. The noble Marquess had drawn a distinction between private property and property of the Church, and had seemed to state that, because Church-property was not private property, it was, therefore, public property, and might be disposed of as such. That was, if he might be permitted to say so, without the slightest disrespect to the noble Marquess, a most mischievous error. That Church-property was not private property was true, but that, therefore, it was public property, and was applicable to any purpose that the State might think fit, was a principle which he believed would not be maintained there or elsewhere by any person who considered what property was. It would not have been necessary for him to make these observations if the noble and learned Lord, the late Chancellor of Ireland, who was present when this discussion began, had still continued in his place; that noble and learned lord would not have suffered him to rise to notice this inaccuracy in argument, for it was well known that that noble and learned Lord had the most sincere attachment to the Established Church, and that, feeling the sacredness of its property in the strongest manner, he had taken the opportunity on a celebrated occasion to state that feeling most powerfully. As far as he recollected, the words of the noble and learned Lord were these—"That the State may not, under any circumstances, deal with the property of the Church is a principle which I am not prepared to maintain, for unquestion-

ably circumstances of necessity may arise which may justify the State in dealing with it, but that necessity must be great, and the property of the Church must be dealt with subject to that necessity; but there is no necessity for the State dealing with the property of the Church, which would not justify the State dealing with the property of an individual. Therefore, when the property of the Church is assumed by the State, let the owners of land look to the security of their own." He should only add, that under such circumstances, he believed that the property of the noble Marquess would be found more effectual for the wants of the State than all the property of the Church put together.

The Marquess of *Westminster*, in reply, denied the statement made by the noble Baron near him, as to what might be supposed to be the sentiments and character of the meeting at which the petition was carried. The petition was most respectably signed, and though some of those present might not be friends of the Church, it was clear that the greatest part of those who signed it were so; for otherwise its language would not have been so respectful and proper. If there was not a majority of the whole vestry, there was a great majority of those present, and all came who had any desire to do so.

Petition laid on the Table.

HOUSE OF COMMONS,

Tuesday, March 31, 1835.

MR. VIVIAN. Bill. Read a first time:—Mutiny; Marine Mutiny.

Petitions presented. By Mr. CRAWFORD, from two Places, against the Tithe Composition Act.—By Mr. HUTT, from a Dissenting Congregation at Hull, against the Dissenters' Marriages' Bill.—By the same, from the Merchants of Hull, against the Dues levied on British Vessels in the Port of Hamburg.

BOROUGH OF LEICESTER. Mr. William Gladstone wished, before the House proceeded to the adjourned debate upon the question of the Irish Church, to call its attention to the Petition which he had presented yesterday from Mr. Charles Jennings, agent for the sitting Members for the Borough of Leicester, praying that the order for considering the petition of James Hudson and others, against the return should be discharged. That petition set forth at length the grounds upon which the Motion he was about to submit to the House would be founded, and,

therefore, the best course he could adopt would be to state its contents. It commenced by setting forth that on the order of the House, dated the 20th day of March instant, time was given to the petitioners, James Hudson, Thomas Nunneley, John Coltman, and Thomas Flower, to enter into the recognizance till Monday, the 30th day of this instant March, with leave to substitute another proposed surety; that on Saturday, the 21st instant, the said petitioners, through their agent, delivered in the name of Samuel Stokes, of the parish of St. Mary, in the borough of Leicester, hosier, as such substituted surety as aforesaid; that the petitioner, under the circumstances of his engagement, on Monday, the 22d of March instant, did not know of the delivery in of the name of such substituted surety till Tuesday, the 23d March; that the said petitioners, through their agent, gave notice to the petitioner on Wednesday, the 25th instant, that the name Thomas Stokes ought to have been lodged in the place of the name Samuel Stokes; that at half-past three o'clock in the afternoon of Thursday, the 26th instant, the petitioner received from the agent of the petitioners a letter stating that he had that day given notice to Mr. Rose, of the correction of the misnomer of Samuel for Thomas Stokes, and that the latter christian and surname were the proper names of the surety proposed in lieu of Matthew Babington, pursuant to the order of the 20th inst., that, on the order of the 26th inst., the said petitioners have permission to correct the christian name of the proposed new surety; that such order was not made until some time after the hour of eight o'clock on the said 26th inst., after post time; that by the next following post, Friday, the 27th inst., the petitioner wrote to Leicester to ascertain the sufficiency of Thomas Stokes, named in the last-mentioned order and notices; that the petitioner, by a parcel from Leicester yesterday (Sunday afternoon) and by the general post of this morning, the 30th day of March instant, received two letters from his correspondent to the same effect, and the latter of which (that received by this morning's post) is as follows:—"I was yesterday (Saturday) favoured with your letter of the 27th inst., requesting me, directly on the receipt of your letter, to make inquiries into the sufficiency of 'Thomas Stokes, of the

parish of St. Mary, in the borough of Leicester, hosier,' who is proposed to be substituted in the place of Mr. Matthew Babington, as a surety on behalf of the petitioners against the return of the sitting Members. Before I answer your inquiries I beg to inquire whether Mr. Thomas Stokes, of the Welford-road, in the parish of St. Mary, hosier, be the party intended, because if I answer your inquiry under that impression, and some other Thomas Stokes, of the parish of St. Mary (a parish which contains many thousands of inhabitants and many hundreds of streets, should be meant, I shall have led you into error, and probably have given an incorrect report upon the subject. The residence ought to be more particularly stated and the street mentioned, in a case where the party named resides in a town containing upwards of 40,000 inhabitants, as Leicester does. Waiting your further instructions, I am, Sir, your most obedient servant, Thomas Burbidge." That till the time of pronouncing the last-mentioned order the petitioner considered that the Act of Parliament of the 9th of George 4th., cap. 22, had not been complied with on the part of the petitioners, and, therefore, after the notice of the 25th, and the letter of the 26th, did not, either on the 25th or 26th instant, write to Leicester to make such inquiry; that, under the circumstances aforesaid, the petitioner had on Friday only two clear days, one of which was Sunday, for making the necessary inquiries; that the petitioner has, this day, attended before John Rickman, esq., and Francis Cross, esq., the two persons appointed by the Speaker of the House to report to him on the sufficiency of the sureties tendered on the part of the said petitioners, at the time and place fixed by them for examining into such sufficiency, and explained to them, that the name Thomas Stokes was only entered in the book directed by the said Act of Parliament to be kept in the office of the Clerk of the House of Commons on Wednesday, the 25th inst., and that between the said Wednesday the 25th inst., and this day, Monday, the 30th inst., four clear days only, and not seven clear days, as required by the 7th section of the said Act of Parliament, intervene, and, therefore, that the said John Rickman and Francis Cross had no authority under the said Act to report the sufficiency of the sureties; and the petitioner thereupon re-

quired, that the said John Rickman and Francis Cross should decline to report at all to the said Speaker on the sufficiency of the sureties tendered; that the said John Rickman and Francis Cross declared, they should report to the Speakers specially; that the petitioner, as agent to the sitting Members, afterwards, on this 30th day of March, waited on the said Speaker, and delivered to him a letter, wherein, after stating the representations made by the petitioner to the said John Rickman and Francis Cross, the petitioner respectfully further represented, that the said Speaker was without authority or power to take the recognizances of the sureties tendered, and humbly insisted, that if received, they would be received contrary to the express provision in that behalf of the said Act of Parliament; that the petitioner humbly submits to the House such recognizances, if they shall be received, will be received contrary to law, and that no recognizance has been entered into pursuant to the directions of the said Act, and therefore humbly prays the House, that as the said Act has not been complied with, the order made for considering the petition of the said petitioners, James Hudson, Thomas Nunneley, John Coltman, and Thomas Flower, on the 14th day of May next, shall be discharged, or that the petitioner may have such other relief in the premises as to the House shall seem meet. The hon. Member then proceeded to point out how directly the decision of the House of Commons on Thursday, the 26th instant, contravened the provisions of the Act of the 9th George 4th, chap. 22, and contended, that unless the House was prepared to take upon itself the right to infringe the law of the land, they had no alternative but to revoke that decision. It was his intention to conclude by moving, "That the order for considering the Petition against the Return for the Borough of Leicester on the 14th of May next be discharged;" but as a preliminary proceeding, perhaps it would be better the Clerk should first read the Special Report of the examiners into the sureties."

The Special Report having been read, the hon. Member then moved, "That the order for considering the Petition against the Return for the Borough of Leicester on the 14th of May next be discharged."

Mr. *Gisborne* contended, that the agent for the sitting Members had no cause of complaint; for although it was not until

the 26th of March, that the name of Thomas Stokes was substituted for that of Samuel Stokes, he had notice five days previous, that that substitution was intended, and that the name of Samuel had only been given in through a clerical error. Mr. *Burbidge* in his letter to Mr. *Jennings*, expressed an opinion, that the description of "Thomas Stokes, of the parish of St. Mary, in the borough of Leicester, hosier," was insufficient to enable him to make the requisite inquiries, but the fact was, that there was but one Thomas Stokes in the whole borough of Leicester, and he was as well known there as Lord John Russell was in the House of Commons. The mystery, however, was soon explained, for of the two parties into which Leicester was divided, namely, the Corporation, and the non-Corporation party, Mr. *Burbidge* was the head of the one, and Mr. Thomas Stokes of the other. Under these circumstances he trusted the House would pay no further regard to the petition than they had already done in directing it to be laid upon their Table.

Mr. *Warburton* contended, that sufficient notice of the present Motion had not been given—the votes of the day merely stating, that the petition which Mr. *Jennings* yesterday presented should be considered. He therefore moved the adjournment of the debate till Wednesday. Agreed to.

CHURCH OF IRELAND—ADJOURNED DEBATE.] The Order of the Day having been read for the resumption of the adjourned Debate on the Irish Church Question,

Mr. *Sheil* said, that last night he had risen with the noble Lord, the Member for Northumberland; and although the Speaker had called on him because the Member for Cumberland had distinctly adverted to him, yet he had given way to the noble Lord, because he felt the importance of the position which was occupied by the noble Lord who in that House, was the representative of the illustrious person whose talents and principles he had inherited. He (Mr. *Sheil*) felt great gratification at having receded, and having thus contributed essentially to the public good; for the noble Lord had set all doubt at rest as to the opinions entertained by the eminent statesman to whom he had referred, respecting the great question which was before the House. A notion

had been studiously propagated, that the opinion of Lord Grey was not in accordance with that of the late Government, with regard to the Irish Church. The noble Lord (Lord Stanley) and his right hon. confederate (Sir James Graham) were indulging themselves in ironical cheers; but let them bear in mind that Lord Grey remained in office when they retired; that they retired because the Church Commission was issued; that the Church Commission was founded on the principle on which this proposition, now under discussion was grounded;—thus coupling the declaration, unequivocal and absolute, of the son of Lord Grey, with his remaining in office after the noble Lord and his Confederate had resigned, he must be, indeed, a sceptic who would doubt the perfect coincidence in opinion on the part of Lord Grey with the Melbourne Administration. This was a great point gained, and the English people would feel assured that the great principle which was involved in this proposition was sustained by the authority of the most distinguished statesman in England—the man of the greatest experience, of the largest views, and who had accomplished the greatest things for the English people. Let the noble Lord, the Member for Lancashire, hint, and intimate by his physiognomy, any thing he pleased; he would defy the noble Lord to prove that the conclusion which he had drawn was not legitimately inferred. He would turn to the speech of the late First Lord of the Admiralty (the official picture of the right hon. Baronet, it was not easy to anticipate), and advert to the references which the right hon. Baronet had made to him. The right hon. Baronet had alluded to a speech which he was represented to have made at Clonmel. The right hon. Baronet had shown great industry and sagacity in searching out all the scraps and fragments which could be raked out of the political ordure in the gutter of an election; but he was at a loss to discover how so vast a question could be illustrated by such references as the right hon. Baronet had indulged in. He would at once tell the right hon. Baronet that, although he was an agitator, he had never delivered that speech. He had said, that if an elector accepted a bribe, the sordid recompence of baseness and of perjury would be attended with ill-luck—that bribes were like fairy presents—that those who took them were generally visited with evil for-

tune—and that although he should not deprecate any visitation with which Providence might afflict them in this world, he should not imprecate against them the vengeance of heaven in the next. Mr. Finn, the Member for the county of Kilkenny, was present, and would corroborate his statement. He (Mr. Sheil) was, from the unfortunate velocity with which he spoke, exposed to be misunderstood, and this was little to be wondered at, when a remarkable speech, delivered at the hustings by the Member for Cumberland, with his characteristic enunciation, had been so grossly misrepresented. The right hon. Baronet had been reported to have stated, that the “present Ministry was composed of the worst materials.” Nothing could be more important; yet he was misconceived, and in this House thought it necessary to protest against its imputation. His speech had been regularly published by Ridgway; he then should have been slow in charging others upon evidence so imperfect as an Irish provincial print. The right hon. Gentleman had also adverted to his evidence in 1825; but as he had also referred to that of Doctor Doyle, which concurred with his, he should say little or nothing of himself. The right hon. Baronet had done justice to the Christian Prelate; he was, indeed, a man of great virtues as well as great talents; he bore a far closer resemblance than a pontiff with 16,000*l.* a-year to St. Paul; he was not one of those pious but not wholly disinterested persons who had proved in a manner so satisfactory to themselves the necessity of instituting a pecuniary conformity between the spirit of religion and the spirit of the age; he lived and he died poor, and furnished one of the numerous proofs, that although there may be more theological doctrine among the priesthood of the Church of England, there is fully as much of Scripture practice in that from which it was derived. He should not have made these remarks but for the insinuations of the right hon. Baronet respecting the evil effects of the celibacy of the Catholic clergy. The right hon. Baronet should know them better before he censured them so much. He had only looked at them through a telescope from the Admiralty. Doctor Doyle and others had said, that after Catholic Emancipation there would be an acquiescence in the Protestant Ecclesiastical system. At that period the Roman Catholic body would

have in all likelihood agreed to accept a provision for their clergy; and let it be remembered that the events which subsequently took place, and which arose from the delay of Emancipation, could not have been foreseen. The Catholic Association grew into power and importance; the organization of the country became complete—in the French Chamber of Deputies the state of Catholic Ireland became the subject of discussion—the Clare election took place, and liberty was at last extorted from the Wellington Administration. And what was the first step afterwards adopted by the Government? The Member for Dublin was thrown back upon the people: the doors of the House were closed against him, and a more formidable re-enactment of the Clare election took place. Then followed the Whig mistakes; to a small rivet a long chain was fastened. But let not Emancipation be blamed for the state of things in Ireland. It was reform that produced all that has befallen. Did the Catholics disguise that truth from the House? When the Reform Bill was pending, he had told the House that the reform of the Church would be the inevitable result of the reform of the State, and that as the people of England would not endure boroughs without constituencies, in Ireland a church without a congregation would no longer in its abuses be endured. The right hon. Baronet, the Member for Cumberland ought never, with his principles, to have supported the Reform Bill. He ought to have coincided with Mr. Croker, from whose admirable speech he had last night borrowed so many revolutionary horrors. It was nearly in the same language that Mr. Croker had spoken of the events which led to the Commonwealth, excepting that Mr. Croker had pointed to Hampden and Pim, and the right hon. Baronet to Colonel Leith Hay. The right hon. Baronet was, however, mistaken in supposing that that Gentleman was a Member of the Government at the time. He was not a Lord of the Treasury when the right hon. Baronet was First Lord of the Admiralty. In another this would be considered a misrepresentation, but it could be only regarded as a misconception on the part of a gentleman of the strong religious feelings of the right hon. Baronet. By the bye, these religious people, these gentlemen who were in the odour of sanctity, became at times formidably zealous. If they were

in reality as meek as doves, they bore some resemblance to that animal whose wisdom men were enjoined to imitate; if you differed from them, they at once exhibited the proverbial spirit of theological animosity; their former associates became little better than a convocation of thimble-riggers, and they saw nothing but a mere legislative shoplifter in Lord Grey. But of motives of an impure character he would entirely acquit the right hon. Gentleman, who acted a disinterested part, so the Church question had been fatal to him. Perhaps the right hon. Baronet did not think so when he and three Cabinet Ministers resigned, and the driver of a State vehicle with a peculiar name, declared, that he never expected to see a British Parliament, a British King (and that meant more than met the ear), nor a British people, assent to such a proposition. Now, however, it appeared, that the right hon. Baronet might even lose his seat. What! had the bugbear of Popery vanished in Cumberland?—was there no hope of raising there the fanatic cry?—and in his county were the doctrines of the noble Lord on Corporate Property exploded and set at naught? The right hon. Baronet had a great reverence for corporate property; he ought to infuse some of his scruples into his friend the Cumberland yeoman, and teach him, by the *à fortiori* process of reasoning, that if corporate property were sacred from spoliation, private property should be still more secure. What! would the right hon. Baronet cut off 30 per cent from the honest creditor—would he efface the lines of distinction between *meum* and *tuum* to that extent—would he relieve the great mortgagers of their encumbrances, but refuse to take off the enormous load with which Ireland was weighed down and overwhelmed. The right hon. Baronet had shown great ingenuity in arguing on corporations, but his illustrations destroyed his position;—his nautical imagery was running too much in his head. But was he really serious in talking of the immutability of Church property? If his doctrines were sound, the Protestant Church would not be entitled to a single rood of ground. The assignment to her of the property left for purposes utterly different would be wholly void. The right hon. Baronet talked of vested rights. How did his good ancestors, those pious shoplifters, deal with the

Catholic Church? The right hon. Baronet raised a question as to what were the uses of the property of the Church. He should not go into the old learning on the subject, but refer him to comparatively modern authority. So close was the vicinage of the right hon. Borderer to Scotland, that he begged him to pass the boundary and to accompany him there. The authority of the Scotch Church on this subject was unequivocal. In Spottiswood's History of that Church, matter would be found which ought to set the controversy at rest. "In the convention kept at Edinburgh, said Spottiswood, in January preceding (1560) a form of Church policy was presented and desired to be ratified. Because this will fall to be often mentioned, and serveth to the clearing of many questions, which were afterwards agitated in the Church, I thought meet, word by word, here to insert the same, that the reader may see what were the grounds laid down at first for the government of the Church." After stating four other heads, the document proceeds to set forth the fifth, which is entitled "Concerning the provision of ministers and distribution of the rents and possessions justly pertaining to the Church." Under this head the following passage occurs—"That two sorts of people must be provided for out of that which is called the patrimony of the Church; to wit, the poor, and the teachers of youth. The poor must be provided for in every parish—the poor widows, the fatherless, the impotent maimed person, the aged, and every one that cannot work, or such persons as are fallen by the course of nature into decay, ought to be provided for." Page 160—"It is necessary that care be had of the virtuous and godly education of youth; therefore we judge that in every parish there should be a schoolmaster, such a one as is able, at least, to teach the grammar and Latin tongue." Again, in page 289 of the same work, he found that, in the year 1578, "Mr. Andrew Melvil held the Church busied with the matter of policy, which was put in form, and presented to the Parliament at their sitting in Strive-ling." This form of Church policy was entitled "Heads and Conclusions of the Church." Chapter the 9th was entitled "Of the patrimony of the Church and distribution thereof;" and the 9th section ran thus—"The canons make mention of

a fourfold distribution of the patrimony of the Church; whereof one part was applied to the pastor, or for his sustentation and hospitality; another to the elders and deacons and the whole clegry; the third to the poor sick persons and strangers; and the fourth to uphold the edifice of the Church, and other officers specially extraordinary. We add hereunto schools and schoolmasters, who ought and well may be sustained of the same goods." Chapter the 13th had the following reading:—"The conclusion, showing the utility that shall flow from this reformation in all estates." The 5th section ran thus—"Finally to the King's Majesty and estate this profit shall redound, that the officers of the Church being sufficiently provided, according to the aforesaid distribution, the surplus may be liberally bestowed for the supporting the Prince's estate and the affairs of the commonwealth." At the time this form of Church policy was presented, episcopacy had not been abolished, but the Assembly of the Church passed an ordinance that "Bishops should not take up, for maintaining their ambition, the rents, which might maintain many pastors, schools, and poor; but content themselves with a reasonable portion for discharging their office."—Spottiswood, p. 303. The efforts which were made to force upon Scotland an establishment at variance with the feelings of the people were too familiar to need expatiation: the manner they terminated was well known, and in 1689, that famous Act was passed which in a few words did such great things. The Act was this—mark it, Englishmen, mark it; it was full of wisdom, and in the briefest compass included the largest policy: "Act abolishing Prelacy, July 22nd, 1689. Whereas the estates of this kingdom, in their claim of right, declared that prelacy, (he left out mere verbiage) is and hath been a great and insupportable grievance to the nation, and contrary to the inclinations of the majority of the people, &c. and the King and Queen's Majesties do declare that they will settle that Church Government in this kingdom which is most agreeable to the inclinations of the people," &c. They might ask him, did he want such a change? He answered emphatically, No. If the Parliament would be just, the Irish would be moderate; wherever there was really and *bond fide* a Protestant congregation, let there be a clergyman well paid; and

where there was no flock, let there be no pastor. Regard must be had to the circumstances of the country; it must be remembered that there was a large mass of property in Protestant hands; a just mean might be struck, that the entire matter might be equitably adjusted. But that Parliament should persevere in sustaining with abstract principles those ideal buttresses, the tottering and crumbling pile of antiquated abuse, and declare that it will listen to no argument, attend to no expostulation; that was a course which offended and irritated, and made the Irish demand more than, if the Parliament were reasonable, they should be disposed to do. What a lesson Scotland—happy, well-governed Scotland—afforded! What precious and abundant fruits have been gathered by a wise system of Government! Let those who conceive that there is nothing unnatural, nothing monstrous, nothing prejudicial, in the Church policy of Ireland, make an hypothetical application of that policy to Scotland. The right hon. Baronet, the Cumberland Conservative, told the House last night that a great advantage was to be derived from the residence of Mark Beresford, and *hoc genus omne*, in Catholic districts, and that to a gorgeous Protestant hierarchy in Ireland there could be no objection. Well, let the House suppose that in Scotland an Episcopalian clergyman were to be located in every parish, to be supported (for that was the point) by a compulsory impost on the followers of Knox, and that a wealthy sinecure Episcopacy were to be settled in that country (above all, let there be a successor to Sharpe, the Archbishop of St. Andrew's); did they not know that Scotland would endure martyrdom rather than endure it? And if such a measure would be deemed atrocious and frantic in Scotland, how did it come to pass that the very selfsame system in Ireland was regarded as reasonable, wise, and just. When the Repeal of the Union was discussed, the British Parliament triumphantly bade the Irish look to Scotland; it was to Scotland, in discussing the Irish Church Question, that he bade it look. In that country, the Ecclesiastical Institutions had been adapted to the character, manners, and feelings of the people, and accordingly the country had been conspicuously fortunate: her trade, her manufactures, her agriculture had made an amazing progress, and the smallness of her

military establishment afforded the best proof of the pacific habits of a virtuous and industrious people. Turn, then, continued the hon. Member, to Ireland: the heart grows sick at the thought of what she might be and what she is—of what she was made by nature, and what she has been made by you; for she is yours, she belongs to you; you have had the care of her; her faults are yours, her follies are yours: you are answerable for her errors; for her transgressions you are responsible: her crimes, her atrocities, her bloodshed, her horrors, her madness—all, all are yours; and if I tell you this, it is not for the purposes of unavailing crimination—no, it is in order that I may awaken in your minds, and in your hearts, a sense of the strong coincidence between your palpable interest and your obvious duty, and persuade you to adopt a policy by which the source of all this calamity and all this crime shall be closed; for which it is not superstitious to say, that those who, from factious motives, shall be instrumental in its continuance, will have to pass, before a higher than any human tribunal, a terrible account. Sir, I pass from these general considerations to the proposition before us. It is full, ample, unequivocal; it renders an official compromise, by which the public interests should be sacrificed, impossible; and it puts at end to every surmise respecting the pure intentions of those from whom it has proceeded. I never doubted the noble Mover of this proposition: his name—his public life—his vote in 1824—his resistance to the noble Lord (the Member for Lancashire) when in office, gave indisputable evidence of his adherence to the liberal principles by which he is distinguished. The proposition which he has made contains a great principle; and, avoiding all abstractions, it applies it to matter of plain, practical, feasible advantage. We are asked for a plan. Those have no right to ask for a plan who would object to every plan, because they object to the principle on which any plan could be founded. Neither are they entitled to demand the Commissioners' Report; because the Report cannot affect the principle, and therefore by the Report their measures cannot be swayed. But what stand we in need of a Report? The Member for Cumberland has superseded that necessity, because he admits that the Catholics are an immense majority.

But I will convict him, and his associate on this question, by a reference to the Church Temporalities' Bill. That Bill was passed without the Report of a Commission. One section of it provides, that in any parish in which divine (which is an *alias* for Protestant) service has not been performed for three years, the vacancy may not be filled up. Does not this establish all that we require? Is not this evidence of a surplus? What are you to do with such revenues? The Member for Lancashire will answer, "Distribute them anew." Indeed! How does it come to pass, that you never dreamed of a new distribution until we insisted (for insist we do) upon a new appropriation? You never showed the least compassion for the poor curates with seventy-five pounds a-year, and their starving families, until from the more wealthy sinecurists a subtraction was to be made and a sacrifice; but, even for its own relief, a necessary operation was to be performed on the swollen, bloated, and hydropical Church Establishment. Again I press you on your Irish Church Temporalities' Bill, with respect to your hierarchical establishment. The noble Lord (the Member for Lancashire) struck off ten Bishops with one blow. He blew off ten mitres from the heads of the hierarchy with a single puff. All this he did without the Report of a Commission. Is it not reasonable on our part to ask, whether, having struck off so many, he has not left too many behind, and whether the residue be not more than proportionate to "the spiritual wants of the Protestants of Ireland?" Do they want twelve Bishops, and do the Bishops require such enormous incomes as has been left to them? The noble Lord (the Member for Lancashire) will cry "ay;" but in estimating the value of a Bishop, I am not at all disposed to abide by his appreciation, nor do I want a Report to show that an Irish Bishop should have a larger income than a British Judge. I put it thus: I ask the direct question—should a Bishop be better paid than a Judge? clergymen will say "yes," lawyers will say "no." But I see before me the learned Member for the University of Dublin, an eminent practitioner at the Irish Chancery Bar; he has a great interest in this question, and I ask of him whether a Bishop or a Chancellor ought to be better paid. [Here Mr. Sheil stated the incomes of the

Bishops, and insisted that the Archbishop of Armagh would have, even under the Church Temporalities' Bill, 19,000*l.* a-year. This he undertook to establish; and as to the other Bishopricks, it was equally clear that the incomes were monstrous.] Such is the Episcopal system, and all the sacerdotal gradations correspond with it, which has been, even under the Church Temporalities' Bill, established in Ireland. Has it answered any useful purpose? Has it even accomplished the end proposed by the religionists who introduced it? The Scripture says, that a man is to be known by his fruits; cannot a system be tried in the same way? I might take a long retrospect of the Established Church; I might go back to 300 years, but four will suffice. I shall not go farther back than 1831, the period at which the noble Lord, the Member for Lancashire, began with Ireland to furnish the proofs of his wisdom and talents for Government. In the course of that year, the question which has since gained such incalculable importance was first broached. It was treated with disregard by the House, and with disrespect by the noble Lord. But the Irish people followed in Ecclesiastical, the example given them by the English people in Parliamentary, Reform; you refused them redress; they (and I am sorry for it) refused the clergy bread—and you advanced 60,000*l.*, which was a sort of foretaste of the extent to which subsequent demands on England, in favour of a Church which yields no imaginable good, might be carried. The Parliament was prorogued, and a couple of massacres, illustrative of the wisdom of your proceedings were perpetrated. In 1832, the King's Speech spoke of tithes, and the noble Lord, the then Secretary-at-War with Ireland, brought in that Bill which pretty clearly proves that his genius for legislation is not in a direct ratio with his faculties for debate. The Bill miserably failed; every thing he has touched he seems to have spoiled. In 1833 (you see how rapidly I go through events, on which we might reflect for hours) the million was granted; a Bill was passed for its recovery, at which Ireland laughed; not one farthing of the tithes was paid. Another Session arrived: people's eyes began to open; the Member for St. Alban's brought his celebrated Motion forward; the Commission was issued, and the noble Lord

and the right hon. Baronet the Member for Cumberland resigned. The Member for Cumberland told us last night that he was swayed by religious feelings; be it so; let him and his associates in religion look back; let him revert to the incidents which have taken place within the last five years, in which they have borne so large a participation; and in those moments of solemn thoughtfulness, from which none of us are exempt, when, amidst the silence of factious passions, the "still small voice," to which none of us are deaf, is distinctly heard—when these religious men (for we have been told by them that such they are) kneel down at night to pray to God before they sleep, how profoundly must they feel how much misfortune, how much calamity, public and individual, how much crime, how much blood, how much awful responsibility hereafter, perhaps, as well as here, might, if a different course had been pursued, have been avoided. Would to Heaven the last Tithe Bill had been adopted! All men must regret its rejection, but none more so than the right hon. Baronet at the head of the Government. He would have avoided the pain of coming down to this House, and of proposing that from the clergy, the actual incumbents, twenty-five per cent, instead of twenty should be deducted, and that England should, by a splendid metamorphosis, convert the loan of a million into a donation. If you could buy peace with a million, it would be a bargain; but to give a million, and get new discord in return, is laughable indeed. There is something ludicrous as well as deplorable in the incidents of your Irish Church. That such atrocities in favour of the Church, and against it, should be perpetrated, is deplorable; that the Government, who are indirectly instrumental in their perpetration, should not be appalled and shocked into conversion, is deplorable; but that England should not only at an enormous cost maintain a vast army for the defence of the Establishment, but actually give up one solid mass of gold—a million of money—without the least chance of a return, in the shape of public tranquillity or any other advantages, is ridiculous indeed. And is the right hon. Gentleman (the Chancellor of the Exchequer) insensible to all this? How unfortunate it is, that he pledged himself on the Irish Church; and how incon-

sistent was that pledge with his undertaking to comply with the spirit of the Reform Bill, as if the Reform Bill did not beyond every thing else—prescribe and dictate the abatement in Ireland of this monstrous and abominable evil! The Reform Bill has augmented the power of the Irish people; the heart of Ireland swells with the consciousness of that exciting augmentation; sixty-three Members for Ireland, in the name of millions, ask, demand, insist upon redress: the Government have confessed that the laws is baffled, and that even in the bayonet there is no longer power. That, under these circumstances any man of sagacity should persevere in the course proposed by the Government would be surprising; but that a man of the great abilities of the right hon. Member for Tamworth should do so, is a great failing, and he will forgive me for pointing it out: he does not go before—he does not even accompany events; he lets them get the start of him, and he pants, and "toils after them in vain." He exhibited this imperfection in the Emancipation, to which tardily he was compelled to submit; he exhibited it in the Reform Bill, to which he is now obliged to bow down; and he is, unfortunately for his country, to which he is qualified to render such great services, betraying the same fatal error with regard to that Church which, if it has no other useful appurtenance, has, at least, provided a burial-place for many a Ministry and has a grave ready for the present Administration.

Mr. *Lefroy* said, that the question was one which required the fullest information to come to a right decision on it, and he was prepared to contribute all in his power to that purpose. He had heard from hon. Members on the other side of the House statements in point of law, statements in point of practice, and statements in point of fact, which he considered he should be undeserving of the situation which he held in that House as the Representative of the enlightened body who had sent him there if he did not apply himself at once to their refutation. To do that, as well as to assert the impolicy and injustice of the principle contained in the Resolution of the Noble Lord, the Member for Devonshire, was his object in addressing the House, and he trusted that they would bear with him patiently for that reason. In the first instance he should apply him-

self to some of the observations of the hon. and learned Member who had preceded him in the debate. The hon. and learned Gentleman, it was true, always addressed the House with a talent and a vivacity, which was sure to attract interest as well as to excite attention. Though he had no pretension to the same felicity of expression, or the same originality of utterance, he still hoped that the importance of the duty he had to discharge to his constituents and the country, as well as the weight and nature of the facts which he had it in his power to communicate to the House respecting the question at issue, would secure him the favourable attention and construction of the House. The cause he advocated was the cause of truth and justice, and he could entertain no doubt on the subject. The hon. and learned Member had stated to the House, in the latter part of his speech, that he wished Reform of the Church of Ireland for the sake of the Church itself. But did the hon. Gentleman explain what was the meaning he attached to the word Reform? Did he suggest in his plan any project which had for its end the benefit of the Church itself? What did he suggest? He suggested that the Church should be deprived of a fourth, at least, of its revenue. Did the hon. and learned Member attempt to show, that by crippling its efficiency he was conferring on it a benefit? Or did he attempt to establish that there were no objects connected with the Church Establishment itself to which the fourth of its revenues, of which he would so readily deprive it, could be usefully applied? The hon. and learned Member had said, that it was essential to the safety of the Church itself as well as to the interests of the country that "the bloated and dropsical Establishment," as he was pleased to term it, should be deprived of a portion of its revenues; but the hon. and learned Member had attempted to offer no proofs, except in one single instance, of excessive endowment in any one of its Ministerial offices. The hon. and learned Member had referred to the case of the Church of Scotland to show that one-fourth of its revenues were applied to the support of schools and the maintenance of teachers; but the hon. and learned Member had neglected to state that these were strictly purposes connected with that Church, inasmuch as they were established for dis-

seminating its doctrines, and were, moreover, superintended by its pastors. What reference then had these arguments of the hon. and learned Member to the case of the Church of England? The hon. and learned Member had shown how the religion of the Scottish Church was constituted the religion of Scotland by an Act of Parliament, because the majority of the people professed the same faith; and there he had stopped short. But to do justice to his argument the hon. and learned Member should have carried it farther.—He should have extended the principle implied in it to Ireland, and stated, in common consistency, that, because the majority of the people of that country were Catholics, Catholicism should be constituted its religion by an Act of the Legislature. The hon. and learned Member had spoken of the religion of the Church of Scotland being declared the religion of that country by a Legislature essentially Protestant and of the Church of England; and he (Mr. Lefroy) supposed he did so with a view to support his argument. But he would refer to an Act of the Irish Legislature of 250 years since quite analogous to the subject, in which the religion of the Established Church was declared by law the religion of Ireland. But by whom was that declaration made? By Protestants? No. It was made by Catholics; and the Act which affirmed it was passed by a Parliament the great majority of which, if not almost the whole, were of that creed. Thus was a reform in the religion of Ireland, from the Catholic to the Protestant Communion effected by a Parliament of Roman Catholics. [*Laughter on the Opposition side of the House.*] Hon. Members might laugh, but he thought they should rather be ashamed to do so if by their mirth they meant either to confess their own ignorance of the matter, or, knowing it, deny such a notorious fact.—This Act was repealed in the reign of James the 2nd, re-enacted in the reign of William and Mary, and repeatedly confirmed in the subsequent reigns. The last confirmation which it received was at the time of the Union between England and Ireland, in which Act it was distinctly laid down as an incontrovertible proposition. He (Mr. Lefroy) had been induced to enter at such length into that part of the question for the purpose of proving the falsity of those assertions which went to establish that the Protestant Church Establishment

was forced upon the Irish people by a Parliament alien to its religion as well as to its feelings, and of showing that it was sanctioned by a Catholic Legislature in the first instance, and affirmed by the last Parliament which sat in that Kingdom. "It was one of the Acts of Slavery," said the hon. Member for St. Alban's, "that a liturgy in a foreign language should be imposed upon the people of Ireland." But he (Mr. Lefroy) would beg to inquire whether that hon. Member knew that up to the present period as well as prior to that to which he had alluded, the Roman Catholics of Ireland had never had a liturgy in their native language, had never heard a single religious service in their own tongue? Was that the description of knowledge which the hon. Member should bring to bear upon such a subject as the one at issue? Was that the enlightenment he shed upon his followers? The great ground of attack taken by the opponents of the Church was its excessive wealth, and that was the ground which the hon. and learned Member for Tipperary especially selected. The hon. and learned Member imputed to the Church the character of being bloated and dropsical with excess of property; but how stood the actual facts, divested of all exaggeration, accidental or designed? When the real condition of the Church and the exact amount of its revenues were ascertained, how unfounded would the charges of the hon. and learned Member appear to the House. The hon. and learned Member for Tipperary had not attempted to adduce more than one instance in support of his argument; but the hon. Member for St. Alban's had adduced none. However, the hon. Member had made a statement last year in his Motion on the subject before the House, which he (Mr. Lefroy) should take as deliberate results of the hon. Member's opinions and information. The hon. Member had stated that the Church of Ireland had a revenue of a million, or thereabouts, per annum, on that occasion; and he (Mr. Lefroy), on that occasion had ventured to question the accuracy of the statement. He (Mr. Lefroy), the more effectually to impugn them, had laid before the House a statement of the actual and exact revenues of the Church of Ireland, which he was happy and proud to find the hon. Baronet (the Member for Cumberland), had sanctioned in his speech of last night as ac-

curate and complete. By this statement, as well as by the statements of the noble Lord who brought forward the Resolution before the House, it appeared that, in place of a million, the Church of Ireland had not more than half a million for its support—in point of fact it had not half a million. He (Mr. Lefroy), took upon himself to make this statement, and also to prove it satisfactorily. Although the details necessary to the latter purpose would, perhaps, appear tedious to the House, yet, as they contained incontrovertible facts, he trusted for its indulgence to be heard through his statement of them. The noble Lord who proposed the Resolution had stated that the income of the Irish Church was 791,721*l.* annually.—The hon. Member for St. Alban's had made it 937,456*l.* That made a difference between the advocates of the Motion of 145,735*l.* a year in that instance alone, and the cause which he (Mr. Lefroy) had the honour to advocate obtained the advantage of an admitted reduction being established. He (Mr. Lefroy) should establish to the satisfaction of the House a still greater reduction, and prove, he trusted incontrovertibly, that the overcharge of the noble Lord, as between him and the actual fact, was much greater than that between the noble Lord and the hon. Member for St. Alban's as to the nominal revenue assigned in the first instance. The noble Lord had stated that the income of the Bishops was 141,986*l.* whereas the real income of that body was 120,670*l.*, giving in that particular item a reduction in the stated amount of 21,216*l.* There might be reduced from the noble Lord's charge the following particulars—

1st. Off the Bishops as per Parliamentary returns	.. ..	£21,216
Ditto for ten cancelled Bishopricks	.. ..	50,773
2. Off Deans and Chapters, as per returns, their actual income, deducting repairs, being only 2,206 <i>l.</i>	.. ..	14,936
3. The Tithes are subject to the deduction of one fourth, to be made by the pending bill	.. ..	133,608
4. Perpetuity Fund, as being the interest of a fund produced by sale of fines, and consequently charged already in the Bishop's income	.. ..	30,000
Total deduction to be made from income, as stated by Lord John Russell	.. ..	£250,533
Leaving a balance of	.. ..	541,188
The real Income of the Church subject to the tax for vestry cess, varying from 2½ to 15 per cent. which will average at least	.. ..	41,188
Giving the real net income	.. ..	500,000

Instead of an income of nearly a million, as was stated last year by the hon. Member for St. Alban's, or of near 800,000*l.* as stated last night by the noble Lord. There were 1,456 incumbents for whom the provision was 400,825*l.* per annum, making an average of 278*l.* per annum, subject to the tax for vestry-cess, and to the payment of about 700 curates amongst all the rectors. So much for the accuracy of the noble Lord in that respect. He (Mr. Lefroy) should leave him on that point, and refer to another. A statement had been made by the noble Lord respecting the proportion of the population of Ireland to whom the duties of religion were administered by the reverend persons receiving that money. With respect to that statement he (Mr. Lefroy) felt bound to say, that the noble Lord had taken a most unjustifiable proceeding in forming his estimate of the comparative number of the Protestant and Catholic population of Ireland. The noble Lord had taken his statement from a selection of the returns made by ten dioceses in that kingdom, and from these alone he assumed what he termed his facts. But the comparative amount of the two portions of the population of the country was too important a material in the issue of the question to be treated on such authority as the noble Lord had adduced, especially as the Irish Church was to stand or fall by that criterion. On the strength of the assumed disparity the Irish Church was assailed at all points; and to ascertain the exact state of the matter his Majesty's Government of the time sent out a Commission to inquire into the fact, and report thereon, Lord Althorp saying that it was impossible to legislate on the question without due information. That Commission had not concluded its labours as yet. Why did not the noble Lord allow the House to have the benefit of its report before he brought on his Motion? Unlike Lord Althorp, his Lordship did not wait for any accurate information on the subject; but, having received privately from some of the Commissioners the returns of ten districts, he proceeded to act upon them as he should act only upon the whole report. Of these ten only two were Protestant districts, the remaining eight were essentially Catholic, some of them, he might say, the most Catholic of any in Ireland. On these the noble Lord founded his statements of the comparative,

amount of Protestants and Catholics in Ireland; and statements so founded, he should meet with a flat contradiction. The noble Lord would be compelled to admit that he had furnished the House with no accurate means of obtaining information on that point. He had pressed on the question most unjustifiably; he had called on the House to legislate in the dark; and he had cast imputations on the Church of Ireland founded on certain statements, without waiting to give the House an opportunity of ascertaining their correctness or incorrectness, or any thing connected with the truth of the matter. It had been said by the enemies of the Church that it had altogether failed in effecting the ends for which it had been originally established—the maintenance, support, and extension of the Protestant established religion in Ireland. That assertion was based upon the assumed disproportion between the Protestants and Catholics in that country. The only proper evidence on that subject would be the Report of the Commissioners; but, without waiting for that, he was prepared to say that other causes than any connected with imputations on the clergy might with much more truth than the contrary be assigned as a reason for the disproportion. Were there, he would ask, no causes arising from the peculiar circumstances in which that country was placed? The noble Lord had gone back to a very remote period in order to account for it; but he needed not have ascended so far into antiquity. The causes lay nearer to our own times. Could there not be found in the history of the present sufficient cause to produce the effects stated? Were there no melancholy details of massacres as of daily occurrence on account of difference of creed? Were there no instances of intimidation practised by those of one persuasion towards another? Was there no persecution exercised towards those of the Protestant faith in any part of that country? Had those who asserted the increase of Catholicity no other grounds to charge it on than the neglect and remissness of the Protestant clergy? Was there no other mode of explaining the disproportion than that. If the Protestant population of Ireland be considered in relation to its number of sectarians there would appear no grounds for imputing a neglect of duty to the clergy of the Established Church. What apologies moreover did there

not arise out of these peculiar circumstances to which the noble Lord opposite had adverted? How had the Established Church endeavoured to carry on by the objects of the Reformation except by promoting the formation of schools, in which the doctrines of that Reformation and the discipline of the Reformed Church could be imparted; for, whenever they proceeded in any other way he need not remind the House how they had been opposed? The evidence of Dr. Doyle before the Committee afforded some account of the result on the part of the Protestant clergy in their efforts to diffuse scriptural information and a knowledge of the Gospel. Whenever they commenced such an attempt, it proved only a signal for a Catholic combination against their property. It could not be said, that the Protestant Church had failed in its object from neglect of its duty, when every attempt to diffuse its doctrines had been opposed in such a manner. He maintained, that no case whatever had been made out against the Protestant Church. The House had been told, that it was viewed as a severe grievance by the Irish people, and that the Catholics of Ireland deemed it a hardship, to have their property applied for the maintenance of the established religion of the country. What grievance could there be on the part of the Roman Catholics in paying the tithes to which their land was subject, and to which every Dissenter in England was equally liable, he was at a loss to understand. The tithes came out of the pockets of the landlords in proportion at least of nineteen-twentieths. Upon the main question of the right of the Legislature to divert this Church-property from its purposes he would controvert the position laid down by the hon. Member for St. Alban's, and he would maintain that the grounds and arguments by which that hon. Member had supported it would equally justify any species of spoliation. That hon. Member had maintained that all property in mortmain was the property of the State. If this were the case, he would only beg leave to ask, what then was the meaning of all those Acts of Parliament respecting Mortmain—which were as early as the First Edward and Henry, and which never treated property in mortmain as an alienation from the State, for if they had, the State might at once have resumed it. Did the hon. Member for St. Alban's

mean that the property of the State was in the King, the Lords, and in the Commons? The House had been told by one hon. Member that it was in all three. He, however, would say, that no lawyer would assert that either or all three possessed any such property, or was capable of possessing it. He would allow that the King, Lords, and Commons had a right to legislate for property, but still he would contend that they had no property, and that they were not a body which was allowed by the Constitution to be possessed of property. The right of ownership of property was in the great aggregate of the population, and the right of Church-property lay in the great aggregate of Ecclesiastical Corporations which consisted of the Ministers and servants of the Established Church of England. It lay in the Bishops, in the Chapters and integral Members, and in the Rectors and their successors. They had a duty in the trusteeship of this sacred property. To any extent of modification in respect to this property might the Legislature go for the purpose of enforcing the duties and the obligations of the trusteeship, but he utterly denied the right of the Legislature to sever or misappropriate this property from the trust to which it had been annexed in its original endowment. Was that House to be told that the Church of England was the only existing body that could not hold property for its support? Every class of Dissenters was allowed to hold property for the maintenance of their respective religions, and there arose from these considerations a duty on the part of that House. That House had to see to the trust as regarded the ordinances of religion, and if there were a surplus not requisite for the ministration of the Church it was, he contended, the duty of that House to appropriate it to the religious instruction of the Members of the Church of England, and of persons connected with it. The House ought to recollect that Government had lately withdrawn its countenance from the Protestant schools of Ireland, and that those schools had not now the advantages which they had formerly had. He stated this upon the authority of a distinguished traveller, in Ireland (Mr. Inglis), who had given a statement of the condition of the schools under the National Board, to which the noble Lord would apply the surplus funds of Church-property in order, as he had

said, to apply them to the use of all persons of every religious persuasion, without any distinction of creed whatever. Mr. Inglis had said, that in the county of Galway two of the schools received aid from the new Education Board. In each there were five hundred children. He could not think that the funds of an Education Board were legitimately applied in aid of one of these schools, which was under the management of a set of nuns, and the chapel of which had all the characteristics of a Popish chapel. This was a sample of the schools of Ireland which were maintained by the new Education Board, and he was convinced that these were schools very different from those which had been contemplated by the noble Lord, the Member for Lancashire, when he first established this system of education in Ireland. He would add, that the Presbyterians, to a man, had refused to let their children go to these schools. If such were the case, and if a surplus of Church revenues of the Protestant Church should be found to exist, it would be the duty of that House to appropriate that surplus exclusively to the education of the children of Protestants in Ireland. The hon. Member for St. Alban's had said, that non-residence had been imputed to nearly one-half of the number of the Protestant clergy in Ireland. When he had looked into Parliamentary documents—he was sorry to say that the Parliamentary Returns were so far back as from 1814 to 1819—but when he looked into the Parliamentary Returns he found, that in the course of from 1814 to 1819, the increase of residence on the part of the Protestant clergy had been from 644 to 755; and he was convinced that within the last year if there were any returns before the House they would show a still greater progress. He had every reason to believe, that the residence of the clergy now was at least as strict in Ireland as in England. It had been stated by Lord Plunkett, when he was a Member of that House, that upon inquiries which he had instituted he had reason to believe that the whole number of absentee clergy of Ireland did not at that time amount to fifty. Such had been the statement of the noble and learned Lord. The Resolution before the House, he (Mr. Lefroy) would maintain was totally subversive of the Church of Ireland; for it was not merely the proposition of a diversion of revenue to another purpose,

but it went to the establishment of the Roman Catholic religion on the ruins of Protestantism in Ireland. The grievances complained of could not be effectually redressed by any other means. The analogy that had been drawn between the state of Ireland and that of Scotland could not be maintained, for there was no parallel between the cases. Unless for the establishment of their own religion the majority of Irish Catholics could have no right to lay hold of the property of the minority. If they had such a right they would use it only for the purposes of securing the triumph of their own faith. The ultimate object of those people, though it was not avowed—but the drift of all the arguments tended to that point—was the establishment of the Catholic religion in Ireland. Let the point be fairly discussed, in order to see whether the House, or whether the people of England, were prepared for such a result. He trusted that his right hon. Friend would not suffer the question, a question which did involve the fate of the Church of Ireland, to be disposed of by any factious vote, or by a coalition, such as the coalitions which had recently been witnessed in that House. He hoped that his right hon. Friend would meet the Question with that firmness, and with that honour, for which all parties so cordially gave him credit. He trusted, that his right hon. Friend would not suffer the Question to be thus disposed of, and if the Church of Ireland were doomed to fall, it should at least fall with the full knowledge, with the concurrence, and with the good-will of the people of England, and that the Protestant population of Ireland should have an opportunity of deciding upon the stability or ruin of that religion, the value of which they had experienced—a religion that had raised the country to that high station which she had filled amongst the nations of Europe.

Mr. Charles Wood said, that he thought that the answers which had been given on the previous night to the charge of factious motives urged by the hon. Gentlemen at the opposite side of the House against those with whom he was in the habit of acting, would have protected his hon. Friends from the imputation which had been cast upon their conduct by the right hon. and learned Gentleman who had just sat down. He could assure the right hon. and learned Gentleman that he was actuated by no factious motives in

giving the vote which he intended upon that occasion. He could assure the right hon. and learned Gentleman that he (Mr. Wood) had no wish to supplant the Government of the right hon. Baronet, in giving his vote upon the present Question, however careless he might be whether that Government was removed or not. In the course which he proposed to pursue, he was influenced by no other motive than a sincere desire to hasten the decision of a question without which that House could not, in his opinion, take a single step in the settlement of the affairs of Ireland; and this he considered a sufficient answer to the charge of inconsistency to which, in the opinion of some hon. Gentlemen, he was exposed by the wish which he expressed to affirm a principle at the present time, which, under the circumstances which existed at that period, he refrained from sanctioning during the last year. If he looked upon the Resolution now proposed as a mere abstract proposition, he should feel it his duty to pursue the same course as he adopted last year, and vote against it; but it was because he believed that the decision of this most important question depended upon the decision of the Resolution, which, if it were not in itself practical, would, if acceded to, be followed by the most practical results, that he did not hesitate to express his concurrence in, and approval of, the Motion which the noble Lord had introduced. He felt compelled to take this view of the Question, because he believed that, unless the Question of Appropriation were settled, no measure for the collection of tithes in Ireland would be received in that House, or could be carried into execution in that country. It had been their misfortune to postpone measures having for their object the benefit of the people of Ireland, especially those connected with the Church Establishment, and the religious feelings of the people, beyond the time when it would have been politic to adopt them. As a proof of the justness of this observation, he would refer to the signal instance of concession to the Roman Catholics by the grant of Catholic Emancipation; and whilst upon this point he would say, that he did not concur in the opinion pronounced by the right hon. Baronet, the Member for Cumberland, with respect to the ingratitude which he asserted had been exhibited on the part of the Roman Catholics of Ireland, notwithstanding that

they had been released by the Parliament of Great Britain, from the religious disabilities under which they had so long laboured. He believed that the Catholics of Ireland were grateful to those who then supported their just claims; but he could not admit that the Roman Catholics fairly owed any gratitude to the Government which conceded, or the Legislature which passed, the measure of Catholic Emancipation. He did not wish to be considered as maintaining unnecessarily any opinions with respect to a past measure, but this he would say, that in the agitation which now prevailed in Ireland with respect to tithes, they were reaping the bitter fruits of the lesson which had then been taught the people of Ireland—namely, that having appealed in vain to our reason and justice, they owed their success to our fears. He would next address himself to the question of the collection of tithes in Ireland, and touch upon some of the measures which had been passed in order to effect that object. So far back as the year 1807, the Duke of Bedford, and several of those men who then took part in the management of public affairs, recommended the adoption of a measure for the settlement of the tithe question, not far different from that which had been lately introduced to the House. No such adjustment of the question, as that recommended, took place; and, in about twenty years after the period to which he had alluded, the Irish Government, forced by the circumstances which attended the existing system, introduced a measure for tithe composition. He believed that it was the intention of those who brought forward that measure that it should be compulsory; but, according to the genius of the Irish Judges, it was construed as permissive. He was convinced that many benefits would have resulted to the people from a compulsory system, which, in consequence of the course adopted, they were unable to procure. Many measures had been afterwards introduced on this subject, one of which was by the noble Lord (Lord Stanley), and another by the right hon. Gentleman near him (Mr. Littleton)—that Bill which had been carried in that House, had been rejected in another place, to the destruction of the hope which had been entertained by the people of Ireland, that a wholesome measure was at length to be granted. Could he then, after having called their attention to such facts,

be accused of doing anything which was inconsistent or unreasonable, when he argued that a long space had invariably intervened between events proving the existence of palpable grievances, and legislation for their correction? They had followed with too tardy a step the necessities of the times; and were they who were prepared to act with him to be charged with committing a wrong, or to be fairly exposed to the imputation of inconsistency, if they were desirous to make up for lost time, and come at once to the decision of a question of vital importance to the people of that country. These were the grounds upon which he considered himself justified in coming to a decision upon the Question of Appropriation before he came to deal with the Question of the collection of Tithes. It must be in the recollection of the House, that when the question respecting the collection of the tithes in Ireland was first brought before the House, not merely the hon. Members for Dublin, and Cork, and Tipperary, who might be supposed to entertain violent opinions upon this Question, but the hon. Members for Mayo, Mr. Brownlow and Lord Carew—in fact, all the Members and landlords of Ireland, save those who belonged to the high Orange party, told the Ministry that unless they disposed of the Question of Appropriation there was no hope of procuring peace for the inhabitants of that country. In spite of those warnings, however, the Government persevered in their efforts to enforce the collection of tithes without coming to any decision upon the Question of Appropriation. Had they, he asked succeeded in their efforts? Had the warnings which had been dealt out to them proved false or true? The right hon. Baronet opposite and the right hon. and gallant Baronet (Sir Henry Hardinge), and likewise his noble Friend (Lord Stanley)—men not likely to shrink from any danger or difficulty which they might encounter in the discharge of a public duty—declared that to collect the arrears of tithes the Governments to which they belonged were powerless. Acts of Parliament had then been passive; civil authority and military force were both exercised for the purpose of enforcing collection of tithes with no other effect than the occurrence of scenes at which humanity shuddered; and all these circumstances took place, conveying only one melancholy reflection, that all the exer-

tions of power had entirely failed in the desired effect. Surely, then, when all these means failed—when all the exertions of the Government were totally unsuccessful, was it not time to adopt the advice of those who were the most conversant with the condition of the Irish people, and whose opinions were worthy of receiving the sanction of the House, that it was the course which common sense pointed out that they should at length conciliate the people of Ireland, and induce them to make the payment of tithes cheerfully by giving them some interest in their payment. He might be charged with sacrificing a principle for the purpose of answering the purposes of expediency, by sacrificing a portion of that income to which the clergy were now entitled; but whilst some attempted to insist upon such a principle, the Protestant clergy were starving; and what a mockery was it to tell them, “We will not consent to the reduction of one farthing of your dues,” whilst they were compelled to admit that the law was utterly powerless to enforce the collection of them. If the course, however, now proposed, were really a sacrifice of principle, it was one which those who voted for all the measures with respect to the collection of tithes were obliged to make; for by those Bills the incomes of the clergy were proposed to be reduced twenty-two and twenty-five per cent. Now, this he was willing to admit, that the landlord ought to be allowed something for taking upon himself the responsibility of the collection; still he would prefer to see a practical benefit conferred upon the people of Ireland, to having the money which was to be paid for the reduction of the income of the clergy, going into the pockets of the landlords. But in dealing with the proposed Bill of this Session, on the subject of tithes, he wished to know how the right hon. Baronet could hope to have the Bill pass through the House, without having decided upon the Question of Appropriation? He might remind the right hon. Baronet that, on the discussion upon the 147th clause of the Church Temporalities’ Act, 150 Members, many of them the firm supporters of the Government, voted against the Ministers, in order to assert the principle involved in the Resolution of the noble Lord (Lord John Russell); and he might add, that by the unintentional

absence of some Members on his (Mr. Wood's) side of the House, the Resolutions upon which the right hon. Gentleman grounded his measure, were carried, but only by a majority of fifteen. He could answer for few, perhaps, but himself; but he hoped he might be permitted to say, that he considered the settlement of the Question of Appropriation, as of not only great, but vital importance, in maintaining the tranquillity of Ireland, and he could never consent to enter upon the question of the collection of tithes, until the former question was first fairly disposed of. He might be told, that the objection of the Irish people to the payment of tithes, rested not so much upon the nature of the payment, as upon the amount of tithes, and the mode of their collection. But would they reject the evidence of all the landlords in Ireland, of the Members of that House, Catholic and Protestant, that the feelings of the inhabitants of that country were opposed to the nature, and not to the amount of the payment. This was no new feeling; it had existed since the time of the Reformation. The Reformation came upon the people of England, when they were ready and prepared for change. Here the Reformation was carried by the people against the Crown; but in Ireland it was forced by the arbitrary mandate of the Monarch upon an unwilling and ignorant people. He admitted, with reference to an argument of the right hon. and learned Gentleman (Mr. Lefroy), that it was a Catholic Parliament who established the Church in Ireland, as it was equally a matter beyond doubt that a Catholic Parliament passed the Act of Reformation in this country; but he was sure that the right hon. Gentleman would not deny that from that time to the present, a large majority of the people of Ireland belonged to the Roman Catholic persuasion, and that all attempts to convert them to the Protestant faith, had proved unavailing. He could not deny that strange pastors, ignorant of the language of the people, were forced upon them, and exhibited, during their ministry, such conduct as would disgrace any Christian country. The hon. Member here read an extract from a history of the Protestant clergymen at the time of Elizabeth, in which it was stated that simony, and abuses of every kind, prevailed amongst that body, and that they acted like laymen in holding lands,

&c., the only distinction between them being that those who were called the clergy, had entered holy orders. Such had been the character of the members of the Established Church in Ireland, in the time of Elizabeth; and though he readily believed that there were now many pious and exemplary men in that body, still the change in their conduct had been effected at too late a period to induce any great proportion of the population to become adherents of the Established Church. If these were the feelings which Ireland must entertain upon recounting her history, were those feelings more likely to be calmed than aggravated, by reviewing the history of other countries? Where could they find any country under any system of Church Establishments—be they Catholic or Protestant—where a rich Church with a small congregation, was maintained at the expense of an overwhelming majority belonging to a different persuasion? But their feelings were no less outraged, than their property was taxed, in the maintenance of one Church established by law, and in the support of another, to whose ministry they contributed through inclination. What, he would ask, would be their feelings, if two such establishments were supported at the expense of the people of England? Would they not be filled with a just indignation at such an unwarrantable infliction upon their consciences and resources? and could they expect that when they, with all their superior notions of what was just and lawful, were unwilling to submit to the hardship, that the ignorant peasantry of Ireland should not give way to violence and outrage, when such a system was attempted to be forced upon them? If this, then, were a correct view of the case—if reason and judgment pointed out the course to be adopted—why should they not at once strike at the root of the evil, and determine upon a different appropriation of the revenues of the Irish Church? He wished, however, to be distinctly understood, that in arguing in this way, nothing could be further from his intention than to do anything which would tend to subvert or destroy the Established Church in Ireland. He was not willing to deprive of the means of Protestant worship, a single member of the Established Church, or deprive the minister of any of those dues to which he was justly entitled; but he was convinced that all those ends

might be fully and adequately answered, at a much less cost, than the present expense of the Establishment. He would not attempt to go through the details into which the right hon. and learned Gentleman (Mr. Lefroy) had entered, or to cope with the complicated, and, he would permit him to say, unintelligible statements, which he had made. He would just, however, remind the right hon. and learned Gentleman, that, according to a statement which he had made last year, there would be a surplus of 100,000*l.* upon the revenues of the Church of Ireland, after paying every beneficed clergyman in Ireland at the same rate as those of the Protestant Church of England. He did not wish to make the question a rule of three; but still some regard ought to be paid to the number of the congregation in a parish; for surely the population of a parish was no unfair criterion of the extent of the duties of the clergyman. It was on that principle, that the distribution of the *regium donum* by the State proceeded; and though it might not be desirable to establish an exact doctrine of proportion, yet some attention to it appeared to be unavoidable. The main question, however, at present was, not whether there was a surplus or not (that was admitted by most parties,) but how, if there was a surplus, it should be appropriated? In his opinion, the State had a right to deal with that surplus as it liked. If that had not already been made clear by those who had preceded him in the present discussion, he could not hope by any arguments of his to establish the point. He did not, however, agree with his hon. Friend, the Member for St. Alban's, that it was of little importance in what way the surplus should be applied. He would rather that it should lie dormant, than that it should not be applied to the most beneficial purposes. He was prepared to deal with that surplus so far, in conformity with the views of the right hon. Baronet, the Member for Cumberland, as to consider that the Legislature were trustees, bound to apply it for the public good. Nay, although he did not admit there was any strict right on the subject, yet he was, by no means, unwilling that the surplus should be applied to purposes analogous to those to which the Church revenue was originally limited. His noble Friend proposed to apply the surplus to the general purposes of education. The right hon.

Baronet, the Member for Cumberland, wished it to be re-distributed in a manner strictly conformable to its original destination. For his own part, he was at a loss to see how an acquiescence in the right hon. Baronet's proposition, could be at all satisfactory. He was at a loss to see how it would be possible to reconcile the Catholic tithe-payer to contribute to rebuild a Protestant Church, or to pay the stipend of a Protestant minister, even in the county of Down. Still less could he believe that the House would adopt a principle so unjust as to impose a local tax and grievance, for the purpose of benefitting a distant district. It was the opinion of the right hon. and learned Member for the University of Dublin, that if any appropriation whatever were to take place, it should be for the purpose of Protestant education alone. Now, only two years ago that House put an end to the system of exclusive Protestant education. Whatever difference of opinion might have existed at that time on other points, there was a concurrence as to the expediency of comprehending the Catholics, as well as the Protestants, in one permanent system of education. He was glad to hear that, in another place, the benefit of what had been done on that occasion, had been acknowledged by some who were not very favourable to it. With what propriety could it be proposed to confine the advantages of education to the Protestants, in a country seven-eighths of the inhabitants of which were Catholics? He trusted that the House would go one step further than the right hon. and learned Gentleman; and would say, that the education for which the surplus revenue of the Church was to provide, should embrace the whole population of Ireland, Catholic as well as Protestant. That would be the only mode of establishing a friendly feeling between the two classes. It was admitted, even by the supporters of the narrow system which had hitherto prevailed, that it had failed in establishing that feeling; that it had not produced peace and good-will among the people of Ireland. Let another course be pursued; and let them no longer adhere to what, in his opinion, was adverse to the true principles of religion, and the true principles of Christianity. Nothing, he was persuaded, could tend more to the progress of the doctrines of Protestantism, than such liberality. But, whether that were

so or not, whatever might be his private opinion on the question of religion, that as a legislator he had nothing to do with. But of this he was sure, that it would be for the good of all, Protestants as well as Catholics, that education in Ireland should be so generally diffused as to destroy superstition and to enlighten the people. If any hon. Members continued to entertain legal scruples on the subject, those scruples might, he thought, be removed, by a reference to the Report of the Commissioners of Irish Education (and it was enough to say, that of that Commission, the late Primate of Ireland and Mr. Leslie Foster were members), in which allusion was made to an old Statute, by which it was evident that one of the first purposes of the property of the Protestant Church in Ireland was, the institution of schools. By that Act, which was passed in the reign of Henry 8th, the first founder of the Protestant religion in Ireland, every Protestant clergyman in that country was bound to maintain a school in his parish. And though he might not be prepared to enforce the observance of that law, at the present moment, the principle of it could not but be admitted. He would no longer trespass upon the patience of the House, but would conclude by giving his warm support to the Resolution proposed by his noble Friend.

Colonel *Damer*:—Representing, as I do, an Irish constituency, I hope the House will pardon me if I venture to trespass on its time for a very few minutes; but it would have been impossible for me, on this occasion, to have given a silent vote, and I am, therefore, anxious to explain the reasons which have induced me to adopt the course I intend this evening to pursue. I have given to the proposition of the noble Lord opposite, the most attentive consideration, and if I am now disinclined to concur in it, it is not because I think it inexpedient to enter into a mature deliberation on that great question, but it is that at the present time, when we are in daily expectation of having the Report of the Commission appointed to inquire into the value and nature of the Ecclesiastical property in Ireland laid on the Table of this House—remembering, too, the argument of the noble Lord himself last year, that it was not advisable to enter into any discussion on the subject before this Report was presented, the necessity for which the observations of the noble Lord last night

have not removed—and also bearing in mind the events that have passed within these walls since the meeting of Parliament, I can discover no reason for this hasty attempt to entertain a question of such difficulty and importance, but that of embarrassing His Majesty's Government, and finally driving the right hon. Baronet, the Chancellor of the Exchequer, from a station which, in my judgment, he fills so ably and with such signal advantage to the country. As an Irishman, feeling most deeply for the cause of my native country, whether as regards its individual prosperity, or the welfare of the united empire, I cannot but look on this subject with intense interest. And I should consider myself to blame if I did allow this opportunity to escape me, now that I have the good fortune to be favoured with the attention of the House, for declaring my conviction that one of the most obvious, as well as effectual means of settling down Ireland, will be by creating a connexion between the state and the clergy of the Catholic church in that country. Were such an alliance to be formed on a solid and liberal basis, I am satisfied that the most beneficial results would ensue to all parties, and the poor of Ireland would be relieved from a burthen which now presses heavily upon them. I have convinced myself of the paramount necessity, as well as policy, that exists for our endeavouring, without sacrificing any great principle, to seek some means of effecting this desirable object. Were the people of England inclined to be only half as generous to the Catholics of Ireland, as they have been to the slaves of Jamaica, and their former masters, an income would be provided that would go very far towards accomplishing this purpose. The church in France, including all sects—the Church of 30,000,000 of people—only costs the State 1,604,000*l.* a-year; at least, that was the amount of the estimate in 1833. The Irish Catholics are 7,000,000—less than a quarter of the number of the French people; therefore 400,000*l.* a-year would, in all probability, be amply sufficient for this end. I ask the people of England, if this would be a large price at which to purchase the peace and prosperity of Ireland? Does Prussia—Protestant Prussia—does she reject an alliance with the Catholics of her conquered provinces? No; and it will be found on inquiry, that in no country does more

perfect harmony exist than between that state and her dominion acquired by the treaty of Paris. Holding myself to be perfectly unpledged on this question—reserving to myself the right to act on a future occasion as my judgment may dictate—nay, declining now to give an opinion on the merits of the noble Lord's proposition—I shall give my vote against it, on the ground that I have had the honour of stating to the House.

Sir *Robert Inglis* trusted, that the House would indulge him with a patient attention, while he endeavoured to express, as clearly as he was able, the views and sentiments which he entertained on this important question. He did not wish to disparage the value of the speech which had been delivered that night by the hon. Member for Halifax (Mr. C. Wood), but he looked upon that speech as more applicable to a Tithe Bill than to the subject of appropriation. The views stated by the hon. Member with respect to the Established Church of Ireland would apply with equal force and propriety to the whole empire. The principle laid down by the hon. Member was cheered by the Member for St. Alban's. But, after all, of what value could the principle be, if even so inconsiderable a sum as 100,000*l.* was still to be supplied for the support of the Church Establishment in Ireland? The objections and the difficulties would still remain as strong as ever. Pacification would not be secured in Ireland by a transfer of a portion, or even of the whole, of the revenues of the Established Church. This was the Serbonian bog which the noble Lord carefully shunned, but which the hon. Member for St. Alban's had plunged into. The hon. Member's tread was much more decided than the noble Lord's, and more candid in laying down his principle, for he contended that Parliament had a right to deal not only with the whole of the Church-property, but with all corporate property whatsoever. They who maintained such principles ought, before they attempted to act upon it in a single instance, to reflect seriously how far they might eventually carry them. The right hon. Baronet (Sir J. Graham) brought this point last night, powerfully and unanswerably, before the House. For his own part, no power on earth could ever induce him to admit such a principle to regulate Church-property. It was property not conferred by the State, and the

State had no right to take it away. He saw no difference between the Established Church in Ireland, and the much happier and more tranquil portion of it in this country, which could, at any future time, prevent the application of the principle, as well to England as to Ireland. Though circumstances might not, just at the present moment, exist in England which could afford the hon. Gentlemen opposite any appearance of justification for applying their theory to the Protestant Establishment of this country, the principle would still remain in full force, ready for application whenever it suited their convenience to bring it into operation. They who broached such a theory, whatever they might say, or whatever they might pretend to the contrary, could entertain no very deeply-rooted respect for the Church property of England, when they proposed the application of the principle to the Temporalities of the Irish Church. One hon. Gentleman said, he would limit the application to that country, in which the Protestant Church was an evil, but would not extend it to that part of the empire in which it was found to be a blessing. By whom was this measure brought forward and supported? All those who spoke in the debate of yesterday admitted themselves to be members of the Established Church, they professed a veneration for its doctrines, and a wish for its continuance. They professed to be Protestants, but in their proceedings he firmly believed they looked as much to the satisfaction of those who were not of the Established Church, as they did to the support of the religion which they professed. In considering this question he could not leave out of his recollection the fact, that up to the year 1829, the Roman Catholics never expressed any wish, or manifested any inclination to disturb the ascendancy of the Protestant Establishment in Ireland. He was entitled to expect, from the declarations of the Roman Catholics themselves, that no proposition would emanate from them having a tendency to overthrow the Temporalities of the Established Church. If the import of language was to be taken from the plain meaning of words, all Catholics who took a seat in that House were bound to uphold the present settlement of Church-property as by law established. He should like to know, how the hon. and learned Gentleman, the Member for Tipperary, could reconcile his

speech upon this question with his declarations upon former occasions, and with the oath he took as a Member of that House. This was the security, a feeble one indeed, given to those who conceded Catholic Emancipation; but they never could have expected to see such a crisis as the present arrive. Who was it brought this question now forward? Technically indeed, and in the usual forms of Parliament, it was brought forward by the noble Lord (Lord J. Russell), but in reality at the desire and by the instigation of the Catholic body. What, after all, was the conduct and character of the Church thus assailed? The Member for Halifax, indeed (Mr. C. Wood), had told them something of its history at a former period. Whatever blame might attach to it in the early days of its establishment in Ireland, the case was now very different indeed. Nothing could now be alleged against it discreditable either to its doctrines or to its discipline. This was fully admitted even by the hon. Gentleman himself. In place of going back to former periods of history, the great consideration with the House ought to be, what was its character—how great was its usefulness in the present day, and to the present generation. It had made rapid improvements of late years. In the year 1762, there were only 542 Protestant Churches in Ireland. They soon after reached the number of 643. In the year 1800, they were 689, and since 1800, not less than 312 new Churches were erected, and 64 more were in progress. If the principle now proposed for adoption had been in operation in the year 1800, this great advancement of the Protestant religion, this support of the best interests of Christianity, this great number of Protestant places of worship must have been lost to the great cause of morality, and of the Protestant faith. How could the Member for Halifax be, as he professed himself, a friend to the Protestant Establishment, while at the same time he said, he would vote no money for its support? [Mr. Wood: I did not say so.] The words of the hon. Member were, "I cannot agree to extend the Protestant worship by increasing her means." How could he expect to extend the Protestant Church without affording her means? They had heard upon this occasion, a great deal urged about the distresses of the people of Ireland. Unless the grievances and sufferings of the peas-

antry of Ireland could be clearly traced to the existence of an Established Church, which had not yet been done, their distresses could have nothing to do with this Question. The noble Lord (Lord John Russell) in his speech last night, carried them back to the time of the Spanish Armada, to the wars of Marlborough, and other glorious epochs of English history, and said those epochs were invariably marked by the greatest calamities of Ireland. Whatever laws might have been passed in the days of Anne, there were no such laws now. The proper business and duty of the Parliament now was, to look to the present state of the Church of Ireland, to see how far it had advanced, what good it had effected, and what might reasonably be expected from it hereafter. If thirty-five years ago the means of the Church exceeded the wants of the Protestant population, they were now on the contrary inadequate to those wants. There were political considerations connected with this subject of the highest importance, if indeed it was considered important that the Legislative Union between the two countries should be maintained. The Protestant Establishment was the strongest bond of union between them. Let Protestantism be destroyed in Ireland, and it would be impossible to maintain the Union. Weak as the bonds of that Union were at present, they never could be entirely broken until the bond of Protestantism was destroyed. There were many considerations, entirely independent of the religious view of the Question, which made it highly important that Protestantism should be maintained in Ireland. When he considered the difficulties the Church had long to contend with in Ireland, and particularly during the last six years—when he considered the number of Churches that had been built recently, and the numerous congregations which already attended them, and the still greater numbers which might hereafter attend them—he could not help coming to the conclusion, that the Protestant Establishment of Ireland was everywhere deserving of support and protection. At all events these were not the times in which such an attack should be made upon her, and these were not the men by whom it ought to have been made.

Mr. Poulter observed, that it was once considered true that everything greater included in itself that which was less; but

it was now contended by a Church, whose sole title was a Parliamentary title, who claimed by the dispossession on the part of the State of another Church, without the slightest regard to vested interests, that that State had not the power in the most extreme case to apportion or reduce that Church even under a most distinct recognition of all vested rights. Who could doubt what the title of the church was who had read the Statute 2nd and 3rd Edward 6th, by which the clergy were bound to the use of the Common Prayer under the penalty of deprivation? Who could doubt what that title was who would read the Statute 13th Elizabeth, by which all benefices were taken from those who refused to subscribe to the Articles and doctrines of the Church of England? If this extreme severity of legislation was adopted in this country what must have been the course of things in Ireland, where there was not the slightest pretence for a reformation? Here then were the title-deeds, here was the commencement of the title of the Protestant Church, to the use and support of which, by the will and decree of the nation, a vast property, granted principally by private Catholic individuals to the ministers of their own persuasion, was forcibly, and contrary to the intent of the granters, applied and converted. If this statutable disposition had been made for a year only, and had been from that time down to the present day annually renewed, the case would have stood in principle precisely as it does at this moment. It was most important to consider that the national transfer of which he had spoken was for life only, and this interest, and this interest alone, had passed from time to time to the actual and living ministers of the Church, the fee-simple remaining in abeyance, and in the guardianship and custody of the nation. He put his support of this Motion entirely on the distinction between the principles of the two establishments. Both stood in need of great changes, but while a better Administration and distribution is sufficient for the one, diminution is absolutely required for the other. If hon. Members will persist in identifying the two, let them do so—he was as resolute in separating them. He saw no danger to the one from any degree of correction necessary to the other. The Reformation was in unison with the national feeling in one country, but was founded upon con-

quest and violence in the other. Was there no difference, he would ask, between charity and the power of the sword? For such was the exact measure of the difference between the foundation of the two Churches; and it would be an insult to truth and justice to permit the temporal enormities of the one to find shelter under the cover of a similarity in spiritual doctrine to the other. No length of time, no lapse of ages, should prevent his hearty concurrence in an effort to redress a great national iniquity. No appeal to the rights of property, beyond existing lives, could ever be maintained where such rights were never united with the real and religious interests of a nation. In such a case no prescription could be urged against the cries of a people, and the voice of a people becomes the voice of God. It might be admitted that any change in long established things was an evil, and that nothing could justify it but the most powerful necessity. If the peace and prosperity of Ireland were essential to the welfare of the empire such a necessity had now arisen. Antiquity, when utterly opposed to the improved wisdom and intelligence of mankind, was the idlest of all justifications. Whatever force it might have on the minds and prejudices of some, it would be lamentable, indeed, if a Legislature should ever forget, that antiquity was the real infancy of the world, and that the period of its most advanced age, and of the most extended human experience, was that instant of time in which he had now the honour to address the House. Who, in ancient times, would have disturbed the peace of the earliest Roman families, because they had been founded on the rape of the Sabine women? Who, in modern times, could justify a Repeal of the political union between England and Ireland because it was founded on fraud and corruption? But it was only in those cases in which ultimate good was the actual and modern result, that the defect or wickedness in the origin of an old title could stand excused: but where anarchy and national misery were the existing consequences of an original crime, the whole subject ought to be regarded as *res integra*, and to be taken up *de novo*. In such a case it must be just to undo *pro tanto* what it was most unjust to institute. What could be thought of a state which devoted somewhere about 1,000,000*l.* a year to the spiritual wants of about half a million people? What would be thought

of a policy which would carry a religious war into a country, and, having triumphed over it, should set up the monstrous pretence of a united Church of the two countries? No Acts of Parliament could ever sanction the using the name of religion against the principles of religion itself. Though the imputation, from being unparliamentary, could never have been expressly uttered, it was sometimes asserted that the majority of a reformed House would be actuated by a feeling of hostility to the interests of religion, and to its legitimate institutions. Nothing could be more unfounded than this. If he might be permitted, he would say, that it was a characteristic of the late House to require that every proposition offered to it, and which was in any way connected with religion, should be made with a religious intention and purpose. In all instances, without exception, in which the House suspected, whether correctly or otherwise, that any proposition of the sort was unaccompanied by such a spirit, it not only denied it all favour, but invariably rejected it with a decided and a marked severity. He did not see how an assembly including so much talent, and such enlightened views, could err against either truth or justice, which had made it a law to itself on all such subjects, to consider not merely what was acceptable to man, but what was acceptable to God also. When, he should like to know, would the argument of destruction cease to be resorted to? For there never was a great measure of improvement proposed which had not been met by this argument. So long ago as the Bill of Catholic Emancipation was passed this was the language of its opponents. Just before the passing of the Reform Bill some small remains of vitality were still found to exist in the nation; but this was to be utterly annihilated by the abominable Reform Bill. All of a sudden this total destruction had become an unchangeable, unconstitutional law—a law of the Medes and Persians, which altereth not, and the nation was to be a third time destroyed by the proposition of the noble Lord. This nation, with its three lives was the most extraordinary that ever was heard of. He might liken it to the famous serpent of antiquity, whose heads grew again as fast as they were chopped off. He might liken it to the zoophyte, which, though cut into separate pieces, continued to survive with a multiplied existence. He would

rather compare it to that peculiar monster on whom its mother is said to have bestowed exactly three lives and no more—

“Nascenti cui tres animas Feronia mater,
(Horrendum dictu) dederat: terna arma movenda;
Ter leto sternendus erat: cui tunc tamen omnes
Abstulit hæc animas dextra, et totidem exiit armis.”

Those who supported this Motion were taunted sometimes with apportioning the Establishment of Ireland by the rule of three. How much was there to be for ten, how much for twenty, how much for fifty Protestant communicants? This might be called an argument *a ridiculo*, and though it might produce laughter and pleasure, did it ever produce conviction? Was there ever a question of general reasonableness—was there ever a question of degree—was there ever a question including the ingredients of amount and number, in which such an argument might not be used? The very universality of it totally destroyed its force; for it might be used in every instance. Could any man say, that an enlightened body of men, with all the information which existed on this subject, could not lay down some general principle of just relation and just proportion between emoluments to be received, and spiritual duties to be performed? It did not follow in the case of any particular incumbency that it must either be entirely suspended, or entirely preserved. There might be many intermediate courses, and where the Protestants were very few indeed, they might, in many cases, be united to adjoining parishes. Was not the same line of argument used on the Reform Bill? When the number of 2,000 was taken how much ridicule was cast upon it. It was said, suppose you had 1,998 in any small borough, would you disfranchise it for want of two—unless, indeed, some good lady, by graciously producing twins, should step in and save the borough? Were not some of those who now resorted to the same argument, the first to answer it on that occasion? For himself, he would only add, that no one could estimate more highly than he did the value and the absolute necessity of religion. No one was more sincerely disposed to look upon human life as a dreary waste, as a scene of sorrow and despair, without the consolations of religion. Nothing could have induced him to support this Resolution but

the strongest conviction that the overgrown and unnatural extent of the Church Establishment of Ireland had materially obstructed the cause of Protestantism in that most misgoverned country. He would also add, that if it were proposed to him to choose between a civil war and a wound to be inflicted upon religion, he should have no hesitation in preferring the former as the least of the two calamities.

Mr. *William Gladstone* said, that the hon. Gentleman, who had just concluded, although he had apprized the House that his speech was fraught with the latest acquisitions of modern civilization, in common with all other hon. Gentlemen and noble Lords who had spoken on the same side of the Question, had proceeded upon totally unproved assumptions. In all that they had said—in their statements, and in their reasonings, which he did not fear—and in their declamation, which did cause him apprehension—they had gone upon the gratuitous and unsustained supposition that there existed a surplus revenue over and above what was necessary for the due maintenance of the Church in Ireland—an assertion which was wholly unsupported by proof. He thought Church property was as sacred as private property, but between private property and Church property, he saw a difference. He should say, that the former were sacred in persons, and the latter to purposes. Did the Reformation violate the sacredness of Church property? That sacredness could not in all cases be strictly maintained; but it was always desirable to keep the property as sacred as circumstances would permit. Such was the case at the Reformation; but would such be the case if the Motion of the noble Lord opposite were carried? At the time of the Reformation, the Legislature, composed of the Representatives of the country, having changed the Established Religion, changed to the same extent the appropriation of Church property. If the Protestants should ever happen to be again in a minority in that House, he, for one, avowed his conviction that a return to the ancient appropriation would be the fair and legitimate consequence. Until that should be the case—until the Legislative Union should be dissolved—until the Representatives of the Catholics constituted the majority in that House—he, for one, should raise his humble voice as a Protestant against the principle involved in

the Motion before the House. The great grievance complained of in Ireland was, that the Protestant Establishment there was paid for by the Roman Catholic inhabitants. Now, was such in reality the case? Was it so paid for? Were tithes paid for that purpose, or were not tithes rather a part of the surplus profit of the land, which went, not to the cultivator of the soil, but to the owner of it? Tithes were paid by the landlord—and the grievances on this point complained of by the people of Ireland, were rather in theory than in reality. But if there were evils arising out of this question of tithes, was not the present Government prepared to redress them? Had the Government not a Tithe Bill in the course of progress through the House, the object of which Bill was to place the payment of tithes where they ought to be—on the landlords? One of the arguments, and, indeed, the principal argument, of the noble Lord, the Member for Devonshire, by which he pressed the House to agree to the invasion of the property of the Protestant Church was, that that property was not duly applied, nor did it answer the purposes for which it was originally intended. Well, he might admit that; and suppose he also granted that there were general abuses and neglect in the administration of the Church of Ireland. Having made such an admission, was it not, then, fair for him to ask, had not the same general vice that prevailed in the religious government of that country pervaded also, and to a like extent, in its political government? Now, whatever remedy might be applied to either case, would not the Roman Catholics say, “Take away the Protestant Church with all its abuses, and give us back our own Church?” Whatever decision they might come to on the question before them, he was borne out in the opinion that the present Motion was merely initiatory, that it would open a boundless road, that it would lead to measure after measure, to expedient after expedient, till at last they came to this conclusion—namely, the recognition of the Roman Catholic religion as the national one. The Roman Catholics in Ireland called upon them to give up the Protestant Establishment there, because they were told by persons in that House that the Protestant Church must surrender. What was the remedy proposed for the grievances of the Roman Catholics, that would

make them give their support to the Protestant Church? In principle they proposed to give up the Protestant Establishment. If so, why not propose to abandon the political Government of Ireland—to cede the Repeal of the Legislative Union? But no, the Protestant Church was to be first given up. When that had been done what answer would be given to the demand for a Repeal of the Union, founded on the complaint of misgovernment? The Irish would then say, "Your religion is not so bad, we do not complain of it, and particularly not at present, that its resources are applied to their original purposes." On some admitted facts of misrule in the political Government of Ireland, the people of that country would call upon them to grant them the Repeal of the Union. Such would be the fatal results of concessions, similar to those now about to be made. He would next come to the question of a surplus Church revenue in Ireland. When a contingent surplus was made the basis of a Motion, and when the supposition of its existence caused a convulsion in that House, and throughout the country, the noble Lord ought to have waited until he could prove, by official documents, that such a surplus was really in existence. As regarded the Perpetuity Fund, it appeared from the statement made by the right hon. and gallant General (Sir Henry Hardinge) the other night, that it would be in debt for fifteen years to come, so that the period was not as yet arrived when the question of a surplus could be raised with respect to that fund. The amount of tithes was, in round numbers, 540,000*l.* per annum. On that a deduction of one quarter would take place by the Tithe Bill now passing through that House, which would reduce the original amount to about 400,000*l.* a-year. Then the amount arising out of glebe lands, as stated by the noble Lord (Lord John Russell), was 68,000*l.* a-year. Under the Tithe Bill, now proposed by Government, there would be three further deductions on the 400,000*l.* The first, in the shape of a rent-charge on the land, would be followed by a diminution of the income of the Church to the amount of ten per cent. Then a taxation of livings would amount to 20,000*l.* a-year, and the suspension of livings, in some places, would leave 400,000*l.* a-year as the parochial revenue of Ireland. Could that sum be considered as enormous for the Irish Church? The

number of benefices in Ireland was 1,450, and according to the returns, the average yearly income of each was 275*l.* Now was that too much? Why, taking the Scotch standard, which was considered the *beau ideal* of economy, the average incomes of benefices by it was 250*l.* a-year. If it fell short of that in Scotland, he would ask whether 275*l.* a-year was too much for a minister in Ireland, when it was considered how many duties he had to perform, and how many expenses he was exposed to? Was it anything extraordinary, that there should be 400,000*l.* a-year allowed for the parochial institutions of the Irish Church? The noble Lord who brought forward the present Motion, calculated that the number of persons belonging to the Established Church in Ireland, was 750,000; but he believed that they amounted to upwards of a million, or at least to a million. [*Oh! oh," from the Opposition*]. If he were wrong in his calculation, with whom rested the fault? Did it not rest with the noble Lord whose conduct brought on the discussion of this question before they had received full information on it? Allowing that there were a million of Protestants in Ireland, the result would be, that it would give to each of the 1,450 rectors a flock of nearly 700 souls, and that in a country where the population was scattered over a wide extent, and lived at a great distance the one from the other. Was that amount too small to occupy the attention of a Clergyman? He thought that it was not. Where then was the surplus revenue, to the appropriation of which they on that side of the House were called upon to assist by the noble Lord and the hon. Members who had succeeded him. If they were to suppose, for the sake of argument, that the population of Ireland consisted of all Protestants, then would the present Church Establishment in that country be totally and ludicrously disproportionate to their wants. Taking eight millions to be the population of Ireland, and 1,000 persons to be placed under the spiritual care of each minister, and allowing 300*l.* a year to be the income of every minister, the result would be, that the parochial revenue ought to be upwards of 2,000,000*l.* instead of 400,000*l.* its present amount. Hon. Gentlemen might laugh and think it absurd to assert that one Clergyman ought to be allowed to every thousand, and that each Clergyman ought to be allowed 300*l.* a year. The above

amount would be four or five times what the present income of the Clergy was, and it would be six times their income when the property of the Church was placed on a sure and satisfactory footing as it would be by the measures in the contemplation of the present Government. When such was to be the case, he considered that hon. Members would do well to consider the vote they meant to come to on the present occasion. They ought not to allow their minds to be influenced by various absurd and false rumours which had been circulated without contradiction by persons who had their own views in exaggerating the state of the Irish Church. No doubt but he as well as other hon. Members were unconsciously influenced by such rumours, but let them look attentively to the facts of the case, and their courage must revive. He submitted that there was no surplus, as far as the House could be aware, of the available revenues of the Church of Ireland; and to show that he was not alone in that opinion, but was supported by another who had had the means of judging, he would read a remarkable passage from a pamphlet, entitled "On National Property, and the Prospects of the Administration," giving the opinions of its author, Mr. Senior—a gentleman intimately connected with some of those who were most favourable to the Irish Church Commission on this very important subject. In reference to the parochial revenues of the Irish Church, Mr. Senior said, "We are not yet in possession of the results of the labours of the Irish Church Commissioners, but from the little which has transpired on the subject, "We are led to expect that the Irish Church Establishment exceeds the spiritual wants of the population much less than is generally supposed. There is reason to believe that the result of the Report of the Commissioners will be to show, that there is a considerable Protestant population in most parts of Ireland, and that if the Church were to be suppressed in those districts only where it is now needless, the proportion of parishes in which it was got rid of could not be large." Thus it was, Mr. Senior entirely threw overboard the notion of a surplus parochial revenue. He confined his views of alienation to what might be taken from the Episcopal Establishment; and he need not remind the House that no large amount could, upon any supposition, be derived from that source

under the now existing arrangements. The proposition, therefore, to which the noble Lord, the Member for Devonshire, invited the House to assent, was alike impracticable and unjustifiable: impracticable, because the moral means of maintaining the state of things it proposed to create, would be lost; unjustifiable, because there was no principle upon which the Protestant Church Establishment could be rightly or permanently upheld, but that it was the establishment which taught the truth. He did not mean to make any observations offensive to the feelings of hon. Gentlemen who might profess the Roman Catholic religion; but the Government, as a government, was bound to maintain that form of belief which it conceived to contain the largest portion of truth with the smallest admixture of error. Upon that ground the Government of this country maintained the Protestant and declined to maintain the Catholic religion. But the noble Lord invited the House to give up that ground;—the noble Lord, and many of the Gentlemen who sat around him, told the House that with the truth of religion the Government had nothing to do. Their argument was this:—no matter what the religion,—no matter whether it be true or false,—the fact of its existence was sufficient—wherever it existed it was to be recognised; it was not the business or the duty of a government to endeavour to influence the belief of the subjects. But, God forbid, he said, that the House should assent to such a doctrine! It was refreshing to the House to have its attention recalled from the lower and minor features of the Question to its higher parts, as it was last night by the noble and high-minded speech of the right hon. Baronet the Member for Cumberland. He would not eulogise that speech—any praise of his would be useless—but seeing that it had changed the character of the debate he thought it necessary to call the attention of the House to it. The most important consequences would attend the success of the motion before the House. In the first place it would enfeeble and debase, and then altogether overthrow, the principle on which the Church Establishment rested. The noble Lord invited them to invade the property of the Church in Ireland. He considered that they had abundant reasons for maintaining that Church, and if it should be removed he believed they would not be long able to

resist the repeal of the Union, and then they would become fully aware of the evil of surrendering the principle the noble Lord called upon them to give up. Hon. Members should look back to the connection that had so long existed between Church and State, and to the time when Governments exercised tyranny over the private opinions of individuals. He was of opinion that, as persons were responsible for their opinions, they ought to be allowed to freely form them. At the time of the Reformation the tyranny exercised over private opinion was shaken to its base, and something like true religion and just toleration ensued. If that good spirit had been carried further, and into further effect, they would not be at the present day arguing this question respecting religion in Ireland; and he was bound to believe that if that tolerant spirit had been extended there, Ireland would not have remained a Catholic country. But the good system first established had been unhappily abused by men actuated by the impulses and prejudices common to human nature. The remedy of the noble Lord was a miserable refuge from the adoption of a bad principle. Hon. Members were called upon to accede to that principle; they were called upon to support a religion, as if existing *de facto*, and not founded on the true basis of religion. In New England, formerly, the Government called upon each individual to support the religion he belonged to. Ere that system was well known in this country and called the American system, it had been abandoned, in the land of its birth, and was now only known to have existed in America by tradition. The system they were now called upon to agree to was in its essence transitory, and yet it involved the existence of all Church Establishments. He hoped that he should never live to see the day when such a system should be adopted in this country, for the consequences of it to public men and to the character of the country would be lamentable beyond all description. If those individuals who were called upon to fill the high functions of administering public affairs should be compelled to exclude from their consideration the elements of true religion, and to view various strange and conflicting doctrines in the same lights, instead of administering those noble functions they would become helots and slaves. It might be said, that the present discussion was not premature,

and unhappily from the feeling that existed in some parts of the country respecting the union of Church and State perhaps it might not be considered so. If the separation of Church and State was hastening on, the present motion, instead of retarding it, would increase its rapidity. If in the administration of this great country the elements of religion should not enter—if those who were called upon to guide it in its career should be forced to listen to the caprices and the whims of every body of visionaries, they would lose that station all great men were hitherto proud of. He hoped that he should never live to see the day when any principle leading to such a result would be adopted in that country.

Mr. *Fergus O'Connor*, like the hon. Gentleman who had just sat down, felt himself inspired with courage by the spirit of truth. When the hon. Gentleman complimented the speech of the right hon. Baronet, the Member for Cumberland, the hon. Gentleman forgot or mistook the grounds upon which the right hon. Baronet objected to the Motion brought forward by the noble Lord the Member for Devonshire. The right hon. Baronet's objections were founded upon religious considerations, whilst those of the hon. Gentleman rested, as he himself admitted upon mere contingency. The hon. Gentleman said, that although he now opposed the Motion, yet if the time should ever arrive at which the majority of the population of the United Kingdom should become Catholics, he should be ready to bow to such a proposition as that brought forward by the noble Lord. The noble Lord (the member for Devonshire) had been taunted for bringing before the House a mere question of principle, without going more into detail. But the hon. Gentleman who had just sat down, had gone into minute calculations, and had quoted extracts from the pamphlet of Mr. Senior, all of which tended to strengthen the proposition of the noble Lord. The noble Lord did not say that he would appropriate such or such sums; but, in the language of Mr. Senior, he said, "Wherever I find any sums improperly appropriated, I will step in to correct it." The hon. Member had said that there were 1,000 souls to every clergyman—["*No, No!*" from the Ministerial side]. Well, 700. He thought the hon. Member would have relied on this; but, on the contrary, the hon. Member

had thrown argument altogether overboard and substituted declamation in its room. It was said that his hon. Friend, the Member for Dublin, and himself were too sanguine upon the subject of tithes; but he had no doubt that their hopes would be realized by this Measure. So much did the people of Ireland look to this Measure, that they would be more gratified by the passing of the Resolution than by the abolition of two-thirds of the tithes.—The right hon. Member for Cumberland had said, “I will not go with you, because you intend to trench upon Corporate properties.” While the Opposition side of the House was taunted with having formed an anomalous coalition, he might, perhaps, retort, when he saw with whom the right hon. Baronet was associated, that he could not look upon the right hon. Baronet in any other light, than as one of those persons whose consciences a noble Lord (Lord Stanley) had boasted that he held in his pocket. He agreed with those Gentlemen, and more particularly the hon. Member for the University of Oxford, that the present Question was not one merely of tithes—it had a higher order of interest in the effect it would produce upon the Catholics of Ireland. Why had the noble Lord, the Member for Devonshire, been taunted with a change of principle by the Paymaster of the Forces? The present Government had brought in two measures—one in favour of the Dissenters, and the other on the subject of tithes—both of them fuller than those brought forward by the late Government. Did he mean to contend that the present Ministers only had a right to change their principles, but that the noble Lord was to be stopped from going one step beyond his first proposition? The hon. Member who had last spoken had said there was this difference between public and private property—that private property was to be considered as belonging to individuals, while public property belonged to purposes. Looked at in this point of view, he begged to remind the hon. Member that Church-property was originally given to maintain hospitality, as well as for other purposes to which it was now applied. If, therefore, there should be now found a surplus beyond the necessities of religion, surely it should be restored to those purposes for which it was originally intended. It should be recollected, also, that there was another difference: tithes were created by law,

but the rent of land was only protected by law. He must say, with reference to the Illustration resorted to by the right hon. Baronet (Sir J. Graham) of the ship canal from Kingstown to Dublin, that if he, who had neither rank nor station in that House, had made such a proposition, he would have been unmercifully laughed at. The noble Lord, the Member for Devonshire, had said, that the time had arrived when something must be done. He had stated that all those who had sojourned amongst the people of Ireland had been enamoured with them, and that their crimes were the result of oppressive and bad Government. He, however, had no hope of seeing anything effectual done for Ireland by Gentlemen on the opposite side of the House, for they proposed measures not because they thought the measures were wholesome, but in order that they might keep their places. He would ask hon. Members, on the other side of the House to do as was recommended to them by the noble Lord the Member for Northumberland, to place themselves in the position of the Dissenters from the creed which they were bound to support, and then think what would be their feelings? What would be their feelings to have to pay such a Minister and to have his stipend collected at the point of the bayonet? It was useless to speak of the number of acres in the hands of the Protestants of Ireland. This was not a question of pounds, shillings, and pence, but a principle to which the people attached great importance. It was said, that the proposed Tithe Bill was good, but with the Tithe Bill he had nothing to do.—With the concession of the million he had nothing to do, excepting as far as it was to a certain extent the concession of the very principle contended for by the noble Lord who brought forward the Motion. It should be recollected that the clergyman received increased security just in proportion as the landlord's security was diminished. If there was a bad year, the landlord was forced to make a reduction of rent to his tenantry, but the profit of the clergyman was not of the season, and, therefore, he profited in proportion as the landlord was mulcted. From the conclusion of the noble Lord's opening speech up to that moment, there had not been a speech to the point except that of the hon. Member for Tipperary. Indeed an hon. Member had descended to per-

sonalities, and had said that the hon. Member for Dublin boasted of his success on some occasions—and why not? If he represented a nation which had been unfairly treated, and if his honest advocacy had made them freemen instead of slaves, why should he not be proud of it. He believed religion would be served by working out the principle of the noble Lord, who had not said that there would be one farthing to apply. The right hon. Baronet (Sir J. Graham) had said that 100,000*l.* would be the utmost; but though that sum was nothing to the right hon. Baronet, it was much to the poor people of Ireland. If he mistook not, the right hon. Baronet was a Member of the Government when the 147th clause of a celebrated Bill was under discussion; yet, at that time they heard nothing of its being monstrous to check the avarice of an overgrown Church. Upon the preceding clause, too, the noble Lord, the Member for Lancashire, had said, when it was carried, that it destroyed the 147th, for it had taken much which might have been appropriated to another purpose. The right hon. Baronet and the noble Lord were now, however, throwing their shield over the present Government, and presenting their daggers to those who would overthrow it. Taunting the Opposition while sitting on the flanks of the Government, and aiding it in its career, in order that the places might be kept warm for themselves. But, supposing even that the motion were carried, it would possibly be said that it was not tantamount to a vote of want of confidence. It might also be asked why not at once bring forward a motion directly expressive of want of confidence? His reply was, that the present was a more honourable, distinct, and straightforward course. Its object could not be mistaken, as it would lead to the same result. He hoped that when the debates of that House should be read by the people of Ireland, and when they were acquainted with the sentiments of the noble Lord, the Member for Northumberland, and when they found that at length there existed for them a feeling of sympathy in that House, and that their Representatives had arrived at the dignity of being hated, that they would look to the proceedings of that branch of the Legislature with more confidence and with more hope. The Irish Members, he admitted, were treated in

the present Parliament with more respect than in the former Parliament, and this he trusted would not be without its effect upon the people of that country. The hon. Member then adverted to the non-residence of the Irish Protestant clergy, and declared, that the rector of his own parish he had never seen, nor had the oldest inhabitant. The curate lived out of the parish, the clerk resided at a distance of fourteen miles from the Church, and the sexton sold spirits without a license in the churchyard. This he stated before, but the right hon. Representative of the University of Dublin was enabled to deny it, because the clerical authorities fearing an exposure from the frequent debates on the Irish Church, took care to introduce *pro tempore* a more improved discipline. If the recognition of the principle of the noble Lord's motion would cause a saving of only 1,000*l.*, he would strenuously advise the House to adopt it. Such a course would show to the Irish people the determination of Parliament to correct all existing abuses; and indeed the principle rather than the amount of the tax was cared for by the people. Give them an interest in the tax levied upon them—give them an advantage to the benefit of five shillings only, and they would willingly pay the other fifteen shillings. He agreed, therefore, in the assertions of the noble Lord that no Tithe Bill ought to be passed until the Question of Appropriation was definitively settled. The settlement of that question should be the basis of any measure for the adjustment of tithe, and therefore it was necessary to bring forward the present motion thus early. He regretted that the right hon. Baronet opposite did not persevere in that straightforward line of conduct which was to be expected from his character both as a statesman and as a man of talent. He, at least, must be perfectly aware that sooner or later the principle of the noble Lord's resolution must be affirmed by the House. He must recollect that it was agitated by the people out of doors, when they were without any aid in that House; and with what effect, he would ask, would it be now agitated when the people found that they had the support of the majority of their Representatives in that House? What force, he would ask the right hon. Baronet, would be capable of resisting them? Would not the people say, that they were

only looking for that for which the majority of their Representatives were looking, and would they not remember that in endeavouring to obtain it many of them had been shot in conflicts with the military and the civil authorities? The right hon. Baronet, the Member for Cumberland, had in the course of his speech said, that affirming the noble Lord's resolution would be violating an article of the Act of Union. That right hon. Baronet quoted the Act of Union, when it answered his own views, but did he not know that it was utterly impossible to justify the abuses of the Protestant Church by the Act of Union? On what grounds did the right hon. Baronet introduce the subject of the Repeal of the Union into his speech? If the House wished to see the feeling in favour of that measure abate, they would clothe, feed, and educate, the people of Ireland. At present the people of Ireland were in a state of comparative tranquillity; but the embers of discord were still alive, and to reject the resolution of the noble Lord would be to fan them into a flame. To this he would add that if they recognised this principle they would considerably narrow the discussion as to the policy of repealing the Union, they would enforce its consideration and disposal on its own immediate merits. He should feel it his duty to support the noble Lord who had introduced the motion, and the noble Member for Northumberland, both of whom had acted most laudably in marching with the spirit of the age. The movements of the noble Member for Lancashire and the right hon. Baronet were retrograde, while those of the other two noble Lords were progressive, and in accordance with the spirit of the Reform Bill and the rapid march of intellect. From the noble Member for Devonshire the Irish people had much to expect. He trusted they would meet with no disappointment. He trusted that the practice of making the Irish Members a mere dead weight in a division, and of bandying them from one party to another, would never again be resumed. He trusted that henceforward they would be invariably found voting with an imposing majority in the cause of civil and religious liberty throughout the world. He could have wished that the right hon. Baronet opposite (Sir Robert Peel) was unfettered, for he was sure his good sense would not have suffered him to hesitate

as to the propriety of acceding to the principle. But unfortunately the right hon. Baronet was hampered by his connection with a party in the possession of whom an unrighteous ascendancy had long remained. The members of that party were in many—perhaps in most instances excellent landlords and most respectable country gentlemen, but as Magistrates they acted tyrannically, and in no degree mitigated the effects of the political ascendancy they possessed. They had been told that in every parish in Ireland dwelt a tyrant who assumed the name of "The People;" but there was also a tyrant who called himself "the law, the Constitution, the religion, and the loyalty of the country." To this tyrant a check must be given, and he had every reason to believe that to recognise and carry out the principle of the noble Lord's motion would effect that object, and considerably benefit the people of Ireland. He was glad to find, that he and the noble Lord had hit upon a question on which they could agree. He was glad to find himself assisted by so powerful a party. Under what circumstances he received that assistance was of no importance. The principle was all he looked to, and in explaining the justice and probable operation of that principle he had felt it his duty to trouble the House at such length. The hon. and learned Gentleman concluded by thanking the House for the patience with which they had heard him—observing, that if he had not been the Representative of a very large constituency, deeply interested in the present motion, he should not have trespassed upon their attention.

The *Solicitor General* assured the House that nothing but the importance of the subject under discussion, and the deep interest which he knew was entertained by the majority of his constituents, and which he believed was felt by the great body of the English people, could have induced him to alter his original determination, and to offer to the House a few observations—few they certainly should be—before he gave his vote upon the Question at issue. It was not his intention to follow the hon. Members either on his or the opposite side of the House in the details they had given in respect to the property of the Established Church in Ireland. Some observations on that point he had, indeed, proposed to make, but so ably had he been anti-

cipated by the hon. Member for Newark, that any attempt of his would only weaken the impression which had already been made. He also felt, that the House was without any sufficient evidence, either documentary or otherwise, to justify the adoption of any legislative measure, or the sanction of any important resolution. On that ground alone he would not support the Motion of the noble Member for Devonshire. But even if the House had been in possession of the requisite data he should have objected to it on other, and, as he believed, on far higher considerations. He objected to the principle involved even in the language of the Motion; he objected still more to its ultimate application, as disclosed, if not by the noble Mover himself, at least by the hon. Members by whom he had been followed. He admitted that the noble Member for Devonshire in the speech introductive of his Motion had adopted a more moderate tone than the hon. Gentlemen who afterwards spoke from his side of the House. The noble Lord, as he thought, did not put forward so openly and prominently the ultimate object and intent of his resolution; yet in some of the topics he brought forward his selection was not more judicious, though his language was milder and less startling. Some of those topics, it seemed to him, were calculated only to increase the party animosity so unfortunately prevalent in Ireland, and to inflame to a still higher pitch the melancholy spirit of religious discord and strife. He knew not why the noble Lord thought proper to go back to the early history of the connexion between England and Ireland. He knew not why the noble Lord went back to the barbarous legislature of our Edwards, or even of much later periods—why he referred to Acts of the British Parliament to which no man of whatever party, or whatever religious persuasion he might be, could look back without feelings of the deepest regret. He knew not why those topics were introduced into this discussion, nor, above all, did he know why the noble Lord should say to the Catholics of Ireland—“From the justice of England you have nothing to hope—whatever you have obtained from her, has been extorted from her fears.” Why did the noble Lord say this to the Catholics of Ireland—why did he say this of the English House of Commons? He was not misrepresenting the noble Lord. What he understood him to

say was this:—“If the English House of Commons do not sanction my resolution—if they will not hold out to you, the Catholics of Ireland, a prospect of the removal of the Irish Established Church—if they will not promise the relief which my resolution contains, then I say to you, ‘You may justly clamour for the Repeal of the Union.’” Did not the noble Member for Devonshire say this to the Members for England:—“Although it may be your belief that the adoption of my resolution is pregnant with danger even to the Established Church in England—to the most sacred, the most cherished of the institutions of the country, yet I ask you to vote for that Motion, and if you do not I call on you not to vote against the Repeal of the Union.” Thus had the noble Lord addressed the Members of the English House of Commons. He, as a Member of that House, and as a member of the Established Church, believing in his conscience that if this resolution did receive the sanction of the House, the Established Church in this country would be endangered; believing that such would be the effect, he could not by any motive be induced to give his vote for the noble Lord’s Motion. And whenever any resolution was brought forward for the Repeal of the Union, either by the noble Lord or by any of his new associates—he should feel that he did not discharge his duty to his country if he did not vote against that resolution, or against any other which he believed would dismember the British empire. Though the noble Lord in the speech he had made, had not followed out the ultimate effect and intention of his own Motion, yet the hon. Member for St. Alban’s and the hon. and learned Member for Tipperary had been more explicit, and had taken care not to leave the House in the dark. The Question before the House appeared to him to stand thus: Should or should not the funds of the Protestant Church in Ireland be distributed, and handed over to the Catholic priesthood? That such was the question he collected from the speeches of the hon. Members he had named. The hon. Member for St. Alban’s certainly did state something very like that proposition. He had taken down his words as well as those of the noble Member for Northumberland, and the ultimate object of the resolution as explained by them could not be mistaken. The House is called upon to take a step, not perhaps immediate in opera-

tion, but one which must eventually lead to the utter abolition of the Established Church in Ireland. "You forced," says the hon. Member for St. Alban's, "your religion upon a reluctant people,—you compel them to contribute in the shape of tithe to a religion they do not believe; the Catholics of Ireland, never, will be reconciled to the existence of the Protestant Church. This system is the cause of all the evils of Ireland." Again, the noble Lord, the Member for Northumberland, had said, that the "existence of the Established Church was an insult to the people of Ireland." He did not mean to misrepresent what the noble Lord had said, but most certainly he had so understood him, and he was quite satisfied that, when the debates of that House were read through the country, the noble Lord would be so understood by the people, and the language in which the noble Lord had thought fit to couch his resolution would lead to the belief that it was intended as the first step to the overthrow of the Church in Ireland. He would advert, for one moment, to the language in which the resolution was set forth, before he bestowed any consideration upon what he regarded as its ultimate object. Looking simply at the language of the resolution, what was it which it called upon the House to do? First, it called upon the House, in the present stage of an inquiry into the very subject, to pledge themselves that there was a surplus revenue, after providing for all the wants of the Church of Ireland; and then it pledged the House to a specific appropriation of that imaginary surplus. Hon. Members who supported the Motion stated that such a surplus did exist; but that it did not exist had been clearly demonstrated by his hon. Friend, the Member for Newark. But, even supposing that such a fund did exist, was that the time, he would ask, to call upon the House of Commons—ignorant of how much was possessed in advowsons—how much was private property—what were the proportions between Catholics and Protestants; was that a time to call upon them to pledge themselves to some specific appropriation? Was it possible for the House of Commons to come to such a resolution—declaratory on the one hand, and binding on the other, in the absence of all information upon these several points? If he wanted an authority to give weight to this argument he should

only refer to the conduct of the noble Lord who moved the resolution; when, upon a former occasion, a Motion on the same subject was introduced by the hon. Member for St. Alban's. In what way did the noble Lord and his colleagues meet that Motion? Why, they issued a Commission in Ireland, and directed them to institute inquiries upon certain particular subjects, and when the discussion came on in the House they said "we will not enter into this discussion now, in the absence of all the necessary information"—They met the resolution with a direct negative, for it was "ill-timed." Well, how did the case stand now? The Commission, as he had already stated, had been issued—the Commissioners entered upon the specified inquiries, and were at present on the point of presenting their Report to the House; and yet, before this Report was laid upon the Table, the noble Lord thinks it right to come down to the House and move that very Resolution which, under the same circumstances, himself and his Colleagues had negatived last Session. This he urged, not for the purpose of supporting a charge of inconsistency against the noble Lord, but for the purpose of fortifying, by the authority of the noble Lord and his Colleagues, the course at present adopted by the Government. The noble Lord was then in office he could have no party motive to actuate him in opposing the Motion of the hon. and learned Member for St. Alban's. The noble Lord and his Colleagues were then strong in a majority of that House, and being so, they took the proper and the sensible view of the subject, in opposing the Motion, in the absence of that information which was necessary to enable them to form a correct judgment as to the line of conduct it would be proper to pursue. They said that the Resolution, instead of assisting them in those measures which they projected for the benefit of Ireland only delayed them, and they, therefore, called upon the House not then to come to such a Resolution, but to wait for the Report of the Commissioners. Such were the reasons upon which the Resolution was opposed then, and he asked if these reasons were not equally applicable now? If the noble Lord would couple his Resolution with the speeches which were made in support of it—bearing in recollection that hon. Members—as for instance

the Member for Halifax—while they professed their desire to maintain and preserve the Protestant Church, stated the real grievance to be, that Roman Catholics should be obliged to contribute to the support of the Established religion—that money was taken from the members of one sect to support the religion of another—could the noble Lord, bearing this in his recollection, suppose that the grievance could be remedied by taking from the Church ten, fifteen, or twenty per cent? Did the noble Lord suppose that a diminution of the income would be a removal of the grievance?" Did not the noble Lord know that those to whom this sacrifice was made would laugh at it, if they were told that this was the remedy of the evil of which they complain? Did he not well know that this would not be regarded as a removal of "the deep-rooted" grievance of obliging the people of Ireland to contribute to the support of a Church in the doctrines of which they did not believe? He was convinced that the arguments on the other side, if pushed to their full extent, went to the removal of the Church Establishment. He differed from the Resolution in the principle which it involved, affirming a right to meddle with the property of the Church. The noble Lord opposite said that those upon his (the Solicitor General's) side of the House, who supported the right hon. the Chancellor of the Exchequer in his views of a new distribution of Church-property, were inconsistent in refusing their assent to the present resolution. But this was a dilemma of the noble Lord's own creation, upon either horn of which it would be impossible to fix those hon. Members who, supporting a new distribution of Church-property, refused their assent to the Resolution before the House. There was a broad difference, indeed, between taking altogether from the Church the property which belonged to it, and re-distributing it for the better accomplishment of those purposes for which it was originally intended. He was not aware that any hon. Member upon his side of the House had said, as had been imputed, that there was no difference between the property of the Church and the property of individuals. There was necessarily a difference between all property held by individuals and Corporations. The property of the Church was held on certain trusts, and if it could be

shown to him that any Resolution for altering the mode of distribution could better effect the purpose for which it was held, then he was ready to admit that the Legislature not only had a right, but was bound to interfere to effect that alteration. But if more latitude of principle were allowed, and if it were said, that that House had a right to appropriate the property of the Church differently from the way in which it was originally intended, then would he oppose such a proposition, which, in his judgment, outstepped the privilege of the Legislature. It would be an interference with the sacred rights of property, and the precedent established might be applied to the unsettlement of private property. He should make one observation upon the nature of the trust for which this property was held. The noble Lord opposite said that a great portion of this property came from our Catholic ancestors, and was originally appropriated to Catholic purposes. If that were a well-founded supposition, and the doctrine which it involved were admitted to be applicable to the property of the Church of Ireland, it would be equally applicable to the property of the Church of England. But he utterly denied that any such principle was applicable to either. He denied that the law sanctioned any such doctrine. He had no wish to go into a religious discussion, and, above all, he should be sorry that any observation which fell from him should give any offence to those who differed from him in religion. But the feeling of the people of these countries, and the doctrine of the law, was, that the Reformation did not create any new religion, but that it was a purification of the Church from certain defects and superstitions; and the property of the Church was received for the purposes of the Established religion. That, he took it, was the trust for which the property was originally given—for the purpose, he should repeat it, of maintaining and supporting the established religion of the State. If it were diverted from that purpose, and any portion of it given to the Catholics of Ireland, it would be an interference with the rights of property, and the same view which would enable the House to take the property of the Church of Ireland would also enable them to take the property of the Church of England, and to give it to Dissenters of any denomination who might

happen to constitute the majority in any parish. If that were a correct argument, and he thought it was—the Question became one of the very greatest moment. He felt convinced that the conduct of the House of Commons would never receive the sanction of the people of this country in making such a distribution. He believed, when the intention and the object of that Resolution became known to the people of England, they would see from one end of the country to the other, the same manifestations of feeling which had been exhibited in some parts already, that they would never give their sanction or support to any resolution the object of which must destroy the Establishment in Ireland and tend to injure the Established Church in England. Though they were bound not to wound the feelings of the Roman Catholics, they were also bound not to disregard Protestant feeling; and as British Legislators they would, in his opinion, be forgetful of their duty if they abandoned the Church of Ireland and permitted it to be destroyed. They were now taking a step which would lead to the destruction of the Church. There was one other objection suggested to him by the hon. and learned Gentleman who had just sat down. He complained of the language contained in the Resolution, because that Resolution appeared to be framed in language which did not convey the full effect of the object it had in view—it seemed to be framed, not, he would say, for the purpose of concealing that object, but for the purpose of—the object was apparent—obtaining the support of a greater number in that House; and if the Resolution were framed according to its spirit, and in the words that would describe it, if its language were stronger, he believed the noble Lord would not have so many supporters. He complained then of the language of that Resolution as applicable to the matter before them. But then they were told that there was another object intended by that Resolution, and that was with regard to the Ministry. The object was, if not to express a want of confidence in the present Ministers, at least to do that which was tantamount to it, to embarrass the King's Government in the great measures which they had now in contemplation. Suppose that the Resolution then before them was passed, would it not be to interfere with the Bill introduced by his hon. and gallant Friend

(Sir Henry Hardinge)? and would that have any other effect than to delay that relief which the hon. Member for Dublin declared that the people of Ireland were panting for? Would not the very first effect of that Resolution be to delay the completion of that measure? But an hon. Gentleman told them that a vote tantamount to a want of confidence must lead to a resignation of the King's Ministers. Now suppose that the Resolution moved had that effect—that the Government should go out, and on a Resolution like that—what would follow? He was aware that he himself held office under that Government; but he was also, here remembered, a Representative of the people in that House; and of this he was quite sure, that the opinions he expressed there were those of a great majority of his constituents. He had, it was true, no public life to look back upon—he could not ask of hon. Members to look back upon his past life, as a test of his sincerity in the support of his Majesty's present Government; but he might be permitted to say, that his feelings had always been, from the moment the Reform Bill was carried, that it had destroyed the somewhat old party distinctions of Whig and Tory amongst them—he felt, and he had frequently expressed the same opinion of the Government of Lord Grey, as long as it was united, as long as it could command a majority in that House, and the affections of the constituency, grateful for the Reform Bill—as long as it was strong enough to resist the efforts of the destructive spirit which aimed at the worst objects, he thought that every well-wisher to good Government should desire to see it continue in power. But when, upon the discussion of this very Question, when it was last before the House, the noble Lord, the Member for Lancashire, and the right hon. Baronet retired from that Government—when it was evident that Government was taking another course—when it was negotiating with the hon. and learned Member for Dublin, who had been denounced very shortly before in the Speech from the Throne—when it was evident that the then Government was not able to resist the spirit of destruction, it was manifest that it was a Government which had not, and ought not to have the confidence of the people. Suppose that a new Government were formed, it must be admitted that it would not be formed exclusively of the

party of the noble Lord. He would form a junction with that party in England, which had been described by the hon. Member for Derbyshire; and as to Ireland, was it not evident that the noble Lord must look to that party, which had, in that House, the hon. and learned Member for Dublin for its distinguished leader? He asked that House, but above all, he asked the Representatives of England, if such a Government could possess, for one year, nay, for one month, the confidence of the people? Though he did not believe that a Government so framed, and coming into power upon the basis of such a Resolution, could exist for any time, yet he did fear that the mere accession to power of persons professing such principles, would give to the *Movement* party an impulse, and a force, which no power in the State could successfully combat. For that reason, he called upon every hon. Member, whatever might be his party, if sincerely attached to the Monarchy and the Constitution of the country, to pause upon the vote which he was about to give. He did ask of them, when one of the institutions of the country was openly attacked by the Resolution they were about to adopt, to forget at this time all party differences. He said so because he sincerely believed that this institution was attacked by the Resolution before them; and also because he firmly believed, that the maintenance of the Established Church in this country, was one of the best means of protecting the religion and the liberties of the people.

Sir *John Hobhouse* said, I can assure the House that it is with great reluctance that I venture to trespass upon their attention on this occasion, and that I feel far from certain that I shall be able to do so with any adequate effect, after the very able speech of the hon. and learned Solicitor General. I cannot help congratulating the Government, and congratulating the House, upon his accession to office, I cannot help congratulating the House upon the speech they have just heard—a speech which shows that the hon. and learned gentleman to great forensic talents adds all that power which a man who aspires to eloquence and station ought to possess before he takes the very high degree which the hon. and learned Gentleman has attained. And, if I may be permitted to add one word, in this place, Sir, I must say, that the learned

Gentleman has aspired to very high ground indeed, for he has grappled completely with this Question. He alone, as far as I am able to understand, has stated most broadly, that his opinion plainly is, that if you agree to this resolution, you do in fact infringe upon all the laws, not only of public, but, by analogy, of private property; that, in fact, you cannot touch the Church of Ireland without touching the Church of England also—without touching upon property in general; and, by inference, if the State should think it necessary private property also. Sir, that is the assertion of the hon. and learned Gentleman; and I must say, that I should have been better pleased with his very eloquent and able address, had I not happened to hear, at the close of that address, something somewhat unworthy the character and talents of the hon. and learned Gentleman. I thought, Sir, that in the concluding part of that Speech, I did hear something like an attempt to ring the old alarm bell in our ears—an act which by this time I should have thought too contemptible for a man of character and talent to perform. The learned Gentleman attempted to ring the old alarm bell—that alarm bell, Sir, which, had it frightened the man who made him, had frightened the right hon. Baronet the Chancellor of the Exchequer, he would never have been in the position in which he now stands, or have been able to bring forward the high talents of his learned Solicitor General. What, Sir, is it come to this? Is a great debate upon a subject which has hitherto been dealt with, with something like a regard to reasoning, at last to dwindle into nothing but a miserable and filthy appeal to the vilest, the lowest of all human passions? Are we to be terrified out of what we think our duty, and to be told that because at the eleventh hour we at last have ventured to do justice to a great nation—not our enemy not even our ally, but a part and parcel of this great empire—that we are to be restrained and deterred by the fear of what is almost a by-word? When we at last venture to come forward and attempt the settlement of this great Question, can the learned Gentleman, with all his talent, and all his learning, and all his resources, drawn both from law and reason, do nothing more than tell ye that ye are not to do this, for if you do, you will light up the old flame in England—the old cry of the year 1807—the old cry which for so

long prevented the settlement of the Catholic Question—which for so long deprived men of sense in this country of their best power of action, and continued to be an obstacle to the foundation not only of good Government, but of any Government at all? I must venture to say that another reason compelled me to rise, on this the only occasion of my intruding myself upon the House since I have been a Member of it—I mean since the commencement of the present Session of Parliament. I have heard various taunts thrown out against the late Government—I mean my Lord Melbourne's Cabinet—as if it were a Cabinet tried, found wanting, and condemned, against which the people of England had passed a verdict after a fair trial had been granted to them. The learned Gentleman knows as well as I do, that this is a topic that cannot fairly be enlarged upon—either on this, or on any debate on the present subject. He knows perfectly well, that although it may suit him in his conjectures to say, that the late Cabinet were not sufficient for the exigencies of the people of England, still they certainly—happily, perhaps, for their own fame—happily, perhaps, for their future prospects of benefitting their country—were not brought to the same test as the right hon. Gentleman's opposite have been brought to. They were not brought to the same test. They did not make the same appeal to the people; nor did that people, on an appeal being made to them, express an opinion which the hon. and learned Gentleman and his right hon. Friends must by this time have discovered to be no trivial or unimportant one. I beg leave to observe, also, let the learned Gentleman and others say what they may, that I firmly believe, that the Members of the late Cabinet meant honestly by the King, and honestly by the people; that they had nothing to fear from the Parliament; and that, if they had met that Parliament again, they would have done their duty, not only to the country, but to the satisfaction of the people. It is very true that they had to encounter great difficulties. They were aware of those difficulties—they knew them well—but, at any rate, even to have escaped from them, they would not have compromised any one of their opinions. They would have deserted no party; they would not have tried, by any means, justifiable or not, to catch hold of stray votes,

and waverers on this or that occasion; and Sir, as the best proof of this, I can only say that which is known to my late colleagues, that we were determined, had his Majesty been pleased to continue us in his service, to have come down to Parliament with a measure based on this great principle. Let the learned Gentleman call it confiscation if he likes—I call it a measure of justice; the country will deem it such. The Parliament will by their vote of to-morrow confirm it to be such, and at least justice will be done, I hope and believe, to that Cabinet and to that Government who, with motives unsullied and unquestioned, as far as I know, intended to bring forward, for the relief of the people of Ireland, a proposition for the settlement of this great question. I certainly cannot contend with the learned Gentleman on a point of law. I do not know that I can contend with him on any point whatever; but he has laid down a rule from which he says it is impossible that any man of learning or reason can dissent—namely, that the property of the Church of England in England, or of the Church of England in Ireland, was originally so settled and so given, that it must be in its nature and for ever inalienable. I really thought that this question had been settled long ago; I thought that even the pamphlet which I saw the Chancellor of the Exchequer reading just now had rendered the subject so clear that any man who was able to take part in an ordinary debate would at once say, that for any person to get up in his place now-a-days, and assert, that Church property in itself was venerable, and could not be touched, even by Act of Parliament, except by shaking the very foundations of society itself, would be an attempt to bring back—I can hardly say to bring back, for it is an opinion that has never yet been entertained to my knowledge, but to refer to principles which, if they were carried into general practical effect, would be ruinous and destructive of the advancement and progress of society. The hon. and learned Gentleman will excuse me for reading a most eloquent passage from a most eloquent, though very common, and, I dare say, elementary writer? It is, of all the beautiful passages of his most beautiful work, perhaps, the most perspicuous, and as I think decisive. Mr. Justice Blackstone, in the eighth chapter of his 4th book, has this passage:—"As in matters of faith

and morality, they (meaning the Church of England, the hierarchy, and all the Establishment of the Church of England) acknowledge no guide but the Scriptures, so, in matters of external polity and private right, they derive all their title from the civil Magistrate. They look up to the King as their head—to the Parliament as their lawgiver—and they pride themselves in nothing more justly than in being true Members of the Church—*emphatically*—“as by law established.” Why, Sir, this authority shows to me clearly that the Church of England—and if the Church of England in Ireland, of course the Church of England in Ireland also—is *emphatically* the offspring and child of the law, and that the parent may deal with that child. [*Oh, oh!*] Is the hon. Gentleman incapable of understanding a common argument? I am not pretending to state a fact; I am laying before the House the authority of Blackstone; and what I mean to say is, that the natural deduction from that authority is, that the Church of England and all its Establishment is the child of the law; and that as the law has made it, so the law may deal with it. Why Sir, can this be doubted? Has it been doubted in any civilized Christian society? I believe not. I have read communications on the subject, and am not aware that in any country under the sun it has ever been doubted that the Church Establishment is the creation of the law. I am not speaking of the spiritual concerns of the Church, but of the temporalities; and I cannot help thinking that right hon. Gentlemen opposite, and the learned Gentleman more particularly, when he mixes up the temporalities of the Church so much with its spiritual concerns, is not doing justice to the institution. It was very well stated by the noble Lord, the Member for Northumberland, that it was very possible that the too great prosperity of the temporalities of the Church may interfere with its spiritual benefits. A great many authorities have been quoted in the course of this debate—from Bacon, I believe, down to the pamphlet the right hon. Baronet holds in his hand. I find an authority in Bishop Watson, who, in a common letter dated in 1798, says, “If the tithes of that country (meaning Ireland) must still remain with the Protestant clergy, the Catholics should be paid from the public treasury.” He put it hypothetically—“If the tithes.” Why, Sir,

I suppose he had a high notion of the real value of the Church Establishment, and of its sacredness, as the learned Gentleman himself, and yet in his time it was not thought sacrilege, it was not considered a profanation of the Ark of God, as it were, to interfere with the temporalities of the Church when such interference was considered necessary for the good of the State; and here I must take the liberty to state, that I think the real question at issue, is not the distribution, nor a new mode, nor a better mode of collecting, but that the point of improvement, if improvement it really be, is whether or not you intend that the Catholics of Ireland shall understand that they are the participators to a certain degree in the advantages derivable from an Establishment they now consider altogether hostile to them. It appears to me, that so long as you leave this Question unsettled, you never will be able, and never can hope, to reconcile the Establishment to the Catholics of Ireland. We have heard a great many details to-night. Supposing them to be true; supposing only that there are fourteen Catholics to one Protestant to be accurate—can we imagine that the present Protestant Church Establishment will be satisfactory to the people of Ireland? I cannot comprehend how the right hon. Gentleman opposite can reconcile it to his sense of justice; and I am quite sure, that the more this Question is inquired into, the more the House of Commons will find that there is only one way of arriving at a satisfactory conclusion. You have tried force in Ireland; force has failed. You have tried the law; the law has failed. Private charity, public benevolence—all have failed. There is only one thing wanting, and that is, an acknowledgment, that henceforward this enormous Establishment shall be proportioned to the spiritual wants of the people; and that if there be any surplus, that surplus shall be applied to general purposes. My right hon. Friend, the Member for Cumberland (Sir James Graham), said last night, that larger promises had been made and violated—that the Catholics of Ireland had said—“If you will pass the Relief Bill, you shall have peace in Ireland.” Now, I ask my right hon. Friend, whether, because that measure has not produced all the good results which the promoters of it, and he amongst them, anticipated, he would refuse his assent to it now, supposing the Ques-

tion to arise over again, under present circumstances? I cannot help thinking, that the tone of my right hon. Friend's speech of last night would have rendered it equally convincing against any Reforms whatever. He undoubtedly expressed his regret at having been severed from the late Ministry, but he certainly took a very singular mode of telling us how fond he was of them. I cannot help thinking that he was pursuing much the same course as the learned Gentleman, and that instead of treating the subject as if he were speaking to rational men, he spoke as if he thought we were to be convinced by that argument, the force of which the merest tyro in reasoning readily perceives, and which refers very strongly to the palpitiation of our pockets. I cannot help suggesting to my right hon. Friend, that it was in consequence of the unfortunate course he and the noble Lord adopted, that the country is now reduced to its present condition; and that had not my right hon. Friend, and the noble Lord, the Member for Lancashire, unfortunately separated from Earl Grey's Government, the country would at this moment have been governed by a stable and enlightened Administration. He thought, I have no doubt conscientiously, that it was necessary for him to withdraw, and the consequence is, that we are, at this very moment, governed by an Administration, which—without any personal disrespectful allusion—certainly, politically speaking, has turned out wholly unequal to the task. The right hon. Gentleman, the Paymaster of the Forces (Sir Edward Knatchbull), and other Gentlemen who have spoken on the same point, had said, "If you turn out the present Government, are you provided with a substitute?" Why, Sir, I really do not think that is our concern. The right hon. Gentleman opposite must excuse me for saying, that, considering the circumstances under which the late Government were turned out, they are the very last people in the world who have the most remote right to ask such a question. I think we might with much greater propriety ask them, how they came to think they were provided with a Government—such a Government as, after an appeal to the people, could not ensure them one majority in the House of Commons? Again, considering the very easy mode in which I should suppose—judging of course from what I see—Governments are put

together, if I may be allowed to form an opinion upon the subject, I should certainly say, that it was no very difficult task. I could select out of the hon. Members present, fifteen Gentlemen—fifteen! three fifteens—who (I will make no invidious comparisons) might constitute three or four Governments, any one of which would certainly do as well as the right hon. Baronet's. I would not attend to any of these, and other such taunts, Sir, were it not for the purpose of replying to what, I must certainly call the inefficient speech which has been made by the right hon. Gentleman, the Paymaster of the Forces. I listened to that speech, as I was bound to do, considering it as the speech of a Gentleman put forward by the First Lord of the Treasury—as a speech which was the type and symbol of his own personal opinion on the subject of what should be done by the Government on the present occasion. The moment I saw him rise, Sir, I was certain we were going to have a direct negative on the Question—I was certain that that right hon. Gentleman, considering the line of politics he had previously taken, was to come forward and move an Amendment—which, from anything like a half-and-half Reformer, would have appeared somewhat ridiculous; but when the right hon. Gentleman, the Paymaster of the Forces, confined his whole speech on this great Question, to an attack upon what he called the factious motives of hon. Gentlemen who sit on this side of the House, it struck me that the main fire of the Government was still in reserve, and was to proceed from the battery from which it always does proceed with most effect; and that at the last, as at the first, we were to have it from the right hon. and distinguished Gentleman opposite, who is, it seems, to be the beginning, the middle, and the end of the debate upon this subject. What the right hon. Gentleman, the Paymaster of the Forces said, amounted in fact to this:—"You are a faction—you have just been turned out of the Government, and you wish to turn us out in our turn." Why, Sir, I really do not know that we have any very great reason to be discontented with our present situation—because, in the first place, we are the Government—though not in name, in fact. There has not been a single Question yet carried against us; not one—not a single Question. Yes, and as my noble Friend (Lord

John Russell) reminds me, that we not only carry on the Government in this House, but are the Executive Government also; at least, if we have not a positive, we have something like a negative vote on Government appointments out of this House. So, Sir, setting aside the mere odd, trivial, and insignificant circumstances, of our not sitting on that (pointing to the Ministerial side of the Speaker's Chair), I really do not see what it is we have to quarrel with in our present situation. The air is freer here—decidedly purer; I was accustomed to inhale it for the first fourteen years of my political life, and I say, most sincerely, that I prefer it most decidedly; I am not fond of dancing in chains, and I therefore say, very unaffectedly, that I prefer this side of the House. I repeat, prefer it; and when the right hon. Baronet has been there a few days longer, he will prefer it too. Why, what is there to make our present situation disagreeable? We retired from office, or rather in plain terms, we were dismissed—without, as I have ever yet learnt, any formal notice, without any complaint against us; neither the King nor the country made any complaint, that I have yet heard of, against us—we sacrificed no part of our character—we made no compromise—we altered no determination—we belied no principles—we did not in any way compromise our public actions; and I trust, that when we did retire, or at least, when we were dismissed from his Majesty's councils, we preserved that, without which no man can act beneficially for his country, or honourably for himself—I mean our character and our honour. We preserved that integrity about us, which ought to belong to the character of every public man, and without which, all talents, all experience, all station—all the smiles of a Court—all popularity are vain and frivolous. I have to beg pardon of the House most sincerely for trespassing on their attention so long, or for trespassing further; but I cannot help thinking, that the hon. and learned Solicitor General, very unintentionally, I have no doubt, but certainly most grossly—misrepresented what was said by my noble Friend with respect to the Repeal of the Union. The hon. and learned Gentleman says, that my noble Friend advocated the Repeal of the Union, and that if the present Motion failed, he would become an advocate of that measure. [*No,*]

from the Solicitor-General.] My noble Friend said no such thing. What he said, was, that if the House granted the request now made on behalf of the Irish people—if the House acceded to the proposition, it would cut away the ground from under the feet of those who had hitherto advocated the Repeal of the Union; but that if, on the contrary, it did not accede to the proposition, it would leave the advocates of that measure the grounds upon which they had hitherto stood; and although he himself was opposed to it, still that those who supported it would have something like a show of reason on their side. That was the sense and meaning of what my noble Friend said, and I believe very nearly his very words. But I now come back to my original cause of complaint—namely, that the hon. Gentleman who spoke on the other side of the Question, attempted to terrify the House and the country into the idea, that, not only shall we not be doing an act of justice to the Irish people, but a positive injustice to the rest of the empire, if we accede to this proposition. And that if we lay down the principle, that the funds now appropriated to the Church, shall be appropriated to purposes of utility, strictly connected with, and analagous to, Ecclesiastical purposes, and that we may fairly give away any superfluity, we are sanctioning spoliation. I deny—as it has been denied by all those who preceded me on this side of the House—that it is spoliation; and not only do I deny it, but I say, that if you do not admit the principle, you are striking, and continue to strike, at the root of all society, by sanctioning the notion, that you may continue to have a great State-engine, maintained at a great expense, although after an experience of 300 years, it has been found that it does not contribute to the happiness of the people for whose good it is intended, merely on the principle that it is inviolable because you choose to call it so. If this mode of proceeding continues, however ingenious the arguments made use of in support of it may be—even if fifty such Bills as that introduced by the right hon. Baronet be attempted, you will have to deplore another and another failure—you will have Ministry after Ministry, and unless you can come to an adjustment of this, as I conceive, uncontrovertible principle, you will have to lament having come to a decision in support of what I call a false consis-

tency, while you refuse to listen to the suggestions of wisdom, and at the same time to accede to the feelings and opinions not only of the greater portion of the Members of this House, but a great majority of the people of the empire.

Debate again adjourned.

HOUSE OF LORDS,

Wednesday, April 1, 1835.

MINUTES.] Petitions presented. By Lord COLVILLE, from Stoke; and the Earl of KINNOUL, from Methuen, for an Additional Church Accommodation (Scotland).

THE CHURCH.] Lord Plunkett said, that he wished to call their Lordships' attention to what had passed yesterday with respect to some supposed observations of his cited to their Lordships by a right reverend Prelate on the subject of the appropriation of Church property. The right reverend Prelate had referred to an opinion of his delivered many years back relative to the appropriation, or misappropriation of Church property. He knew that he was irregular in calling their Lordships' attention to the subject—as irregular as the right reverend Prelate had been in alluding to his opinions in his absence, without having given him notice that such was the right reverend Prelate's intention. He had informed the right reverend Prelate, that he should refer to the subject, and expected to see the right reverend Prelate there; but as he was not in his place, it would be improper to make the matter the subject of observation in his absence, and he (Lord Plunkett) should therefore bring it before their Lordships to-morrow. In the mean time he might be permitted to say, that so far as his opinion was supposed to be opposed to the right of the State to direct the appropriation of Church property, a very erroneous conception prevailed in the mind of the right reverend Prelate. His opinion was, that such appropriation might not only be justified, but that it might actually be called for by the circumstances of the time being.

Subject dropped.

HOUSE OF COMMONS,

Wednesday, April 1, 1835.

MINUTES.] Bills. Read a second time:—Mutiny and Marine Mutiny.—Read a third time:—Illegal Securities.

Petitions presented. By Mr. ARTHUR TREVOR, from Solicitors of Bedfordshire, against the Ecclesiastical Courts

Bill.—By Lord JOHN RUSSELL, from Amphyll, for Relief to Agriculture.

LONDON UNIVERSITY.—ANSWER TO THE ADDRESS.] His Majesty's Answer to the Address of the House of Commons of the 26th of March, on the subject of granting a charter to the London University, was brought down to the House. It was to the following effect:—

“His Majesty acquaints his faithful Commons, that having been desirous of giving to this important subject the fullest and most mature consideration, his Majesty referred it, in the course of last year, for examination by the Privy Council, who entered upon an inquiry, the final result of which has not yet been communicated to his Majesty.

“His Majesty assures his faithful Commons, that he will call upon the Privy Council, without delay, for a Report of the proceedings adopted in this matter, in order that his Majesty may be enabled to judge what may be the best mode of carrying into effect the wishes of his faithful Commons in respect of a grant of a Charter to the University of London, and what may be the conditions with which such a grant ought to be accompanied.”

The answer was read, and ordered to be inserted in the journals.

CHURCH OF SCOTLAND.] Mr. Cullar Fergusson presented several Petitions from Kirkcudbright, and other places in Scotland, in favour of the extension of the Church of Scotland. The right hon. Gentleman said, that while no one could wish more than he did for the extension of the Church of Scotland, he must say, that all efforts towards that end would prove abortive without the settlement of the law of patronage, and giving to the people of Scotland an efficient share in the selection of their pastors. If the Legislature did that, and if, in endowing new churches in Scotland, they gave the selection of the pastors to the inhabitants of the parishes themselves, he was sure that there would be little to call for in the shape of a grant of public money for the purpose of building churches, as voluntary contributions would then pour in from the people to defray the expense. So small, indeed, would be, he was confident, under such circumstances, the advance required for that purpose from the public exchequer, that he was sure the Representatives of England, and the people of England, would not object to it. While he gave his assent to the principle of such

a measure, he did not mean to bind himself to any of the details of the plan which might be brought forward by Ministers on the subject. He, for one, would contend that, to render any such plan for the extension of the Church of Scotland effective, the present system of Church patronage in Scotland should be extinguished, and he should like to know if any measures had been taken to have the opinion of the Law Officers of the Crown in reference to an overture that had been agreed to on that subject by the general assembly of the Church of Scotland last year.

Sir George Clerk said, that as he had presented many similar petitions on this subject, and as he had several others to present, he might take this opportunity to say a few words in reference to them. He believed that a very erroneous idea prevailed as to the extent to which it would be necessary to call on the Treasury for providing for the extension of the Church of Scotland. In proposing any plan on the subject the Government would be anxious to assist, not so much by affording aid in the building of Churches, as in providing permanent endowments where Churches had been already built. In several places in Scotland Churches had been erected for the accommodation of the people, but there was a great chance, that unless some security should be given for the permanent endowment of those Churches, the intentions of the pious individuals who had built those Churches would be frustrated. It was then proposed by Ministers, and such was the intimation in the Speech from the Throne, that wherever by the exertions of individuals additional churches or chapels of ease had been provided for the accommodation of the people, an endowment should be given in aid of them out of the funds of the State. It was obvious that as long as the support of the clergymen officiating in such churches or chapels of ease was left to depend on the rents of the seats, that support where the population was a poor one, must be extremely precarious. The only way, therefore, that the State could assist the poor under such circumstances in obtaining church accommodation was by paying for their religious instruction. The State would thus stand *in loco parentis* towards the poor, procuring for them that religious instruction for which they could not themselves afford to pay. The right hon. Gentleman, in reference to lay patronage in Scotland, had asked if any measures had been taken to consult the

Law Officers of the Crown with respect to an Act passed by the general assembly of the Church of Scotland last year upon that subject. To take any such step at present would be premature. It was better to wait to see what the effect of the decision of the general assembly would be. The general assembly, it was true, did pass a resolution on the subject last year, but that would not have the force of law until it was sent round to all the Presbyteries of Scotland for their concurrence. They were now in the course of giving their judgment on the principle of the measure, and in six weeks hence it would be submitted to the general assembly, and they would then have to decide as to the best way, not for the abolition of lay patronage in the Church of Scotland, for that he (Sir G. Clerk) did not desire, and he was sure the people of Scotland did not wish for it, but for putting it under such regulations as should prevent its abuse. In the course of a few weeks he was sure that they would have petitions from every parish in Scotland similar to those which had just been presented by the right hon. Member for Kirkcudbright.

Lord Dalmeny said, that as the Representative of a Scotch constituency, he could state that there was no measure better calculated to increase the great unpopularity already possessed by his Majesty's Ministers in Scotland than a measure, the object of which would be out of the public purse to increase the endowments of the Church of Scotland. There was a decided feeling in Scotland against such a measure, and instead of increasing the goodwill there towards the Established Church, or strengthening its foundations, it would defeat any such object, and be productive of a great deal of harm. If there was so strong a feeling in Scotland in favour of the extension of the Established Church, why did not its friends keep up their own endowments? Why should England and Ireland be taxed for such a purpose?

Mr. Wallace observed, that if the present system of patronage should be continued, it would be productive of the utmost dissatisfaction throughout Scotland. The first step of the Government should be to relieve themselves from its abuses. Church patronage in Scotland had been abused by all Governments, whether Whig or Tory, and perverted to political purposes. He intended to move for a return of the members belonging to the Established Church and Dissenting congregations respectively in

Scotland, in order that it might be seen whether it was necessary that any sum should be granted or not for the purposes specified in those petitions and he would reserve his opinion with regard to any such measure until those returns were produced. He had no expectation that the General Assembly would by any regulation put an end to the abuses of lay patronage. Some legislative enactment was absolutely necessary to destroy that political engine.

Mr. *Wilks* had received many communications from Dissenters in Scotland on this subject, and he was justified in stating, that if not a majority, at all events a very powerful minority in that country, entertained the strongest opposition to any plan for extending, at the public expense, Church accommodation in Scotland, for the members of the Established Church there. It was extraordinary at this period of our history, to find a demand made upon the empire at large, to contribute a tax for increasing the Church accommodation of a peculiar religious party in Scotland. Such a demand partook of a degree of infatuation and injustice, that astonished him. He was sure that the Dissenters of the empire would firmly resist any such proposition.

Mr. *Cutlar Fergusson* said, that whatever plan should be adopted, it was essential that Church accommodation should be provided for the poorer classes in Scotland.

Mr. *Hume* said, that if the poorer classes of Scotland were to have Church accommodation provided for them out of the public purse, he did not see why the poorer classes of England and Ireland should not have an equal right to make a similar demand. [Mr. *Cutlar Fergusson*: I admit it]. He would like to know whether the right hon. Gentleman was prepared to support similar grants to every individual sect in England, Ireland, and Scotland.

Mr. *Cutlar Fergusson* said, that because he supported the principle of making such a grant to the people of Scotland, it did not follow that he would deny the right of the people of Ireland, or the people of England, to a similar grant.

Mr. *Hume* would oppose all such grants, whether for the Church of Scotland, or for any other Church.

Mr. *Finn*, as a Roman Catholic, begged to disavow any claim on the public purse, for the purpose of giving support to the religion of 7,000,000 of people, a great portion of whom were much less able to provide Church accommodation for themselves, than the people of Scotland were.

Mr. *Hindley* said, that the Established Church of Scotland, having first increased the number of Dissenters in that country, by its system of lay patronage, now called on Parliament to aid it in building Churches for the purpose of bringing back those Dissenters to its fold.

Petition to lie on the Table.

[LEICESTER BOROUGH ELECTION.] Mr. Gladstone moved the Order of the Day for resuming the adjourned Debate on the Motion that the order for taking the Leicester Borough Election Petition into consideration, on the 14th of May, be discharged.

Mr. *Warburton* opposed the Motion to discharge the Order for taking the Petition into consideration; and applying himself particularly to the question of the power of the House to grant the indulgence already conceded, he observed that he considered that the point of expediency had been disposed of on the 25th ult. The power of the House depended mainly on two passages in the Act: one at the close of the 5th, and the other at the end of the 7th clause. The first provided, among other things, that the name of the surety should not be changed more than once; and the House had already resolved that the correction of a clerical error, in the substitution of Thomas for Samuel Stokes, was not such a change of name as was contemplated by the Act. The passage at the end of the 7th clause, required that seven clear days should be given for inquiry into the validity of the sureties; but the hon. Member contended, that this provision applied to the names of the sureties, delivered in on the day when the petition was presented, or on the day after. He admitted, that this was construing the Act strictly, but insisted that in a case of this kind, where the merits were so decidedly in favour of the petitioner, the House ought to allow no latitude. The terms used in the proviso to the 7th clause, referred back to the 5th clause, and showed that it was to be interpreted with reference to it. He also argued that the examiners had gone beyond the line of their duty, as defined by the Act, in the Special Report they had made, upon which the present application was founded. The parties had had five days for inquiry into the circumstances of Mr. Thomas Stokes, of the parish of St. Mary, Leicester, hosier; but not a single day was actually necessary for the purpose, as he was perfectly well known

through the whole Borough as a man of great wealth and respectability, although Mr. Burbidge (the Town Clerk) professed, in his letter, to be in doubt whether he was the person intended. If Mr. Burbidge were called to the Bar to give evidence, he could not but say, that he well knew that the description given, applied to Mr. Thomas Stokes, of Welford-road, and to no other Thomas Stokes in Leicester. On the whole, he submitted that the House, having the power to grant the indulgence sought, and having granted it, ought not now to rescind its former vote.

Mr. *Rolfe* said, that it was essential that hon. Members should know what they were going to vote upon; and from the conversation he had had with several hon. Gentlemen, he did not think they knew what was the question they had to decide. His own opinion was, when the application was made to alter the name of the surety, that it was the duty of the House not to grant the indulgence asked; but, supposing that he was right in his opinion, and the House was wrong in its decision, that was no reason why the present Motion should be agreed to. He called on his hon. and learned Friends, the Attorney and Solicitor-General, to state their opinion to the House, whether it had the power to discharge the order. In his own opinion of the Act, the House had not, under the terms, the power to discharge the order for taking the Leicester petition into consideration.

Mr. *Williams Wynn* said, he could not agree with the hon. and learned Member, that the House was in any respect bound by its former decision. If that decision was directly in the teeth, and in breach of an Act of Parliament, as it assuredly was, the Resolution of the House was an absolute nullity. The change of name from Samuel to Thomas, was just as much a change of name as if they changed the name of Stokes. He would not go into the question of expediency; the House was sitting judicially, and ought to consider itself bound by the fair construction of the Act. He would only ask, would a Court of Law hold that this recognisance had been properly entered into according to the provisions of the Act of Parliament, and give judgment to the party suing upon it?

The Attorney-General begged to be permitted to address a few words, in reply to the challenge of his hon. and learned Friend, who had used the expression that all the arguments were in favour of the prayer of the petitioners. He was pre-

pared to state that not only the arguments, but Parliamentary practice, was against them. Aware of the responsibility he should incur by the assertion, he was satisfied the recognisances were invalid, and hence he would infer it was the duty of the House to discharge the order.

Mr. *Aglionby* conceived that the argument of his hon. and learned Friend upon the construction that ought to be put upon the 16th section, had been unanswered, even by the hon. and learned Attorney-General, and was, in fact, unanswerable. Looking at the question, as to the equity of the Statute, he found his opinion strengthened, for no injury had been sustained, nor any person deceived by the change of the name of the surety.

The Solicitor-General said, the question the House had to dispose of was, in strictness, this—whether the House had power to discharge an order to hear the petition, in consequence of the recognisances required having been found not to be entertained within the time, or according to the form prescribed by the particular section of the Statute. He begged to correct the error of his hon. and learned Friend opposite; the question did not turn, as he stated, upon the 16th section, but upon the 5th section of the Act of Parliament. According to which it would be found that the recognisance in this case, had not been properly entered. It seemed to him that the examiners had renewed the recognisance, in order to enable the House to consider the question itself, and draw it within the jurisdiction of the House. He would now appeal with confidence to the Chair whether its opinion was not in conformity with his own as to the point of law, whether these recognisances were properly entered?

The Speaker said, he considered it to be his duty to state the course he had taken with respect to these recognisances, and the grounds on which he had acted. It was true that the party, before he received the recognisances, did serve a notice stating that he had not the power to receive them. The question he had then to decide was, how he should proceed under such circumstances? His object was, first, to do no injury to either party; and secondly, not to take upon himself the responsibility of putting a construction upon an order of the House, which the House itself had the power of construing and revising. If he had not received the recognisances, the necessary effect must have been that the petition must have been at an end. On

T

receiving them, therefore, he considered the question must be brought under the review of the House. Undoubtedly, in what he had done he should have defeated his own purpose, if what was contended for by the hon. and learned Member for Falmouth was true, that the House was not now in a situation to consider whether the recognisances had been properly entered into or not. The view he took of it was, that if the petitioners had not applied to the House for assistance, by allowing them to substitute Thomas for Samuel, the clear result of that, or of refusing the application, must have been that they would not have entered into the recognisances at all; the case would have been so reported to him, and he should have so reported it to the House. The indulgence having been given by the House, and the proceedings having gone on, the two recognisances, the manner in which they were entered into, and the whole of the proceedings were completely under the control and jurisdiction of the House, and in all respects subject to it, until the whole matter was finally concluded and settled by its judgment. He therefore, did not think that what the hon. and learned Member for Falmouth had stated introduced any obstacle.

The House then divided on the motion that the Order of the Day be discharged, for taking into consideration the petition against the return of the Leicester Borough Election: Ayes 216; Noes 200—Majority 16.

The Order was discharged.

THE CHURCH OF IRELAND—ADJOURNED DEBATE.] On the Order of the Day for resuming the adjourned debate on the Irish Church, having been read,

Mr. Sergeant *Talfourd* rose, and said, he trusted the House would grant him its indulgence, as it was the first time he had ever risen to address it. He could assure the House, that nothing save the paramount importance of the principle at issue could have induced him to trespass on its attention; but when the assertion of that great principle was at stake, he could not justify silence on his part as the representative of a numerous and enlightened constituency. He confessed, he felt that the resolution of the noble Lord, the Member for Devonshire, not alone called upon every hon. Member for his vote, but required him to express also his sentiments, because it seemed to him, and it had been confessed and boasted by hon. Members who spoke

on the opposite side 'of the House, that it involved a great and a vital principle; and was likewise a declaration of an intention to do justice to a country and a people oppressed and trampled on by misrule for ages. Hon. Members, he maintained, were not called on to vote for the simple words of the resolution; but they were called on to give Ireland relief from a long and hideous series of legal oppression, and to open a door to them, however small, to let in a light, however little, on the darkness and thralldom to which they had been consigned for ages. They were called upon, in a word, to consolidate, by acts and deeds, that Union which had been declared, by the Legislature between England and Ireland. He was induced to avail himself of the opportunity offered him, by remarking on some of the observations of his hon. and learned Friend, the Member for Exeter (the Solicitor-General). He deemed it an honour to him to have such an opponent; a man of such high legal attainments, clear logical mind, and pure moral character—and he thought that the profession to which he had the honour to belong, as well as the country at large, owed a debt of gratitude to his Majesty for selecting that hon. and learned Gentleman—so young, yet so learned, so high in his profession, and so honourable in character—to fill the office he enjoyed—creating a source of emulation for others, and conferring on the whole profession a great moral reputation. His hon. and learned Friend had taken the question of Church-property in the legal light of a trust, and he had argued that the Legislature could not apply it to any other purposes than those purely ecclesiastical. He (Mr. Sergeant Talfourd) was rejoiced to have an opportunity of pointing out the weakness and fallacy of his hon. and learned Friend's argument. His hon. and learned Friend had stated to the House, as he had already observed, that the Question was one of trust—trust, not alone of an Ecclesiastical nature, for that would not serve his purposes, but he had anticipated, in his legal imagination, a long line of consequences—for instance, that the Church-property, if appropriated by the admission of the principle at issue to purposes other than ecclesiastical, would ultimately be converted to Roman Catholic purposes. If his hon. and learned Friend reverted to history, he must acknowledge, carrying his mind as far back as possible, that these very revenues, about the re-transference of which he was so chary, would be found

in the possession of the Roman Catholic Church—and moreover, that it was that Church alone which first awoke Christianity, and nourished the religion of the Redeemer in the minds of the Irish people. He would then beg to ask his hon. and learned Friend, even supposing the fulness of time had arrived when the legal phantoms which beset his otherwise lucid imagination, had taken shape and consistency, when they had in a word become realities—when the surplus property of the Established Church should be applied to the support of the Roman Catholic religion—he would ask his hon. and learned Friend, whether it would reflect more shame on those who should propose and effect a measure to re-transfer this surplus from the Protestant to the Catholic clergy, than the original transfer of the whole from the latter to the former, reflected on those who carried that transfer into execution. The original transfer was made by the Act of the Legislature, not in so mild a manner as the resolution of the noble Lord would effect the changes; the law was, therefore, the charter by which the Protestant Church had its tenor of its property. The Solicitor-General was himself compelled to admit that the penal enactments which attended that change—the origin of his own title—were of a character which he could not endure to contemplate, that the powers he sought to maintain inviolate were cradled in oppression, and defended by a long series of legal barbarity and injustice, the last link and symbol of which he sought now to cherish. The doctrine of a Protestant trust, therefore, failed in the hands of its most learned supporter, but the deficiency was supplied by the right hon. Baronet, the Member for Cumberland, who insisted, that the truths of a religion were the best criterion of its fitness for an alliance with power. Passing over the great question of that alliance—admitting that religion supplied elements fit to be moulded with the coarser materials of legislation—still, all history, sacred and profane, proved that its practical adaptation to the feelings of a people did not always depend on its abstract truths. The Jew's religion now separated its professors from the full enjoyment of the rights of citizens; and yet, in its uncouth form of mysterious power, in a narrow and peculiar sphere, was the pure worship of God sustained through ages of refinement and idolatry. So, who could venture to pronounce, though he might prefer the clear light shining through

the unstained and lucid medium of Protestantism, the same light reflected through a coloured and interrupted, though specious medium, that for the infancy of Christianity in past times, and for the condition of Ireland as she had been, and as English oppression had left her, the Roman Catholic faith was not a blessing? Could we forget the virtues which that faith had nurtured, the arts and graces which it had preserved, the pieties which had been embodied in forms of exquisite and imperishable beauty under its auspices, and treat it as other than a part in the great education of the human race, which, when it should have passed away, in happier times, would leave the world enriched by that which had been? The question, then, was, not whether the Catholic was the true religion, but whether it was best for Ireland; and that Ireland alone could answer. Looking to the character of Ireland—to its long separation from those means of knowledge which England possessed, and which facilitated the extension of religion among her people—looking to the obstacles which intervened between the people of Ireland, and the acquisition of religious principles—the result of discord, misgovernment, and a host of similar evils—looking to all these, he thought that religion not unsuitable to the people, but whether that were so or not, he would ask the House why there should be mockery cast upon the religion of the Irish peasant, which had been the religion of his fathers for generations upon generations. He would ask why, when it was the boast of England, that in her various dependencies she tolerated the most barbarous superstitions, because they were the creed of the people, why should the Irish Catholic and Christian peasant be insulted by a pompous array of dignitaries of another Church, wringing from him for their support his last shilling. It had been asserted, that threats were held out of a repeal of the Union, if this motion should fail. To these he would answer, that if the Ministry chose to prove that the Union was only to be felt in its evils—if it was to be used as an argument for continuing the mockery of that wealthy establishment as emanating from Protestant England, and stifling the expression of sympathy so long deferred, the responsibility was on the heads of those who thus applied it. He trusted it would be sustained, not as a union produced by conquest and continued in insult—not as a mere parchment union, recorded in Acts of Parliament, but a moulding and

blending of the nations into one—an identification of feelings, and interchange of forgivenesses—an appreciation of frailties, not taking them together, but associating them in one living whole. His hon. and learned Friend, the Member for Exeter, pursuing the example set by the right hon. Baronet, the Paymaster of the Forces, had seen, in the resolution before the House, that which not alone affected the state and welfare of the Irish Church, but which threatened the dissolution of the union between Church and State at large. Could any thing be more preposterous than such a belief? It had been made matter of complaint against the noble Lord and his supporters, with whom he (Mr. Sergeant Talfourd) had the honour to act, that they tried the strength of parties, not on a direct vote of confidence, or the contrary, but on an indirect one, such as the principle of the resolution. But was not that principle a public one? Was it not on their own admission a vital one? A reproach of that nature came with a very bad grace from those hon. and right hon. individuals who had made their rallying cry on the last election contest, "Measures, not men." The talents of the right hon. Baronet, the Chancellor of the Exchequer, were, no doubt, of the first order; but he would find them insufficient to support his Government if he did not resolve to redress the crying evils of the Irish Church—to efface the wrongs wrought in the lapse of centuries by the misgovernment of his predecessors in Ireland, and to make amends to the people of that country as far as lay in his power, for all the sufferings they had experienced, and all the miseries they had endured through ages. With respect to the coincident course which his hon. and learned Friend and the right hon. Baronet, the Paymaster of the Forces, had taken, he should be satisfied to put the question on the issue of confidence or no confidence. He would be content to put it to the people of this country, "Here is a Resolution which opens the door of joy, and lets in a little of the light of hope upon the oppressed and unjustly dealt with people of Ireland. There is the Government of this country opposed to it. Choose between them." He was satisfied of the choice which would be made by the people's Representatives. Although personal results of the question were the least momentous, was it no trifling question whether the hopes of this country and of mankind were to be committed to those who had struggled and

resisted reform in all the stages of its progress, or to those whose conduct, hopes, and struggles and prayers had been devoted to its promotion—whether its results were to be conducted by genial hands, or by those who, even if honest in their present purpose, like those spirits who in fable lore were compelled to labour in the service of the mighty spirit who had conquered them, were now the vanquished captive, reluctant draggers of the aerial and triumphant genius of humanity and freedom. They taunted their opponents with the difference of opinion they discerned among them on certain subjects; but that difference was not the true ground of their displeasure—that was not their former difference, but their present union. For that they deserved the displeasure of their foes, and he trusted they would long continue to deserve and to receive it. For the first time the great defect in the operations of freedom—a defect arising from the excellence of its nature, but blending the elements of weakness with its strength, the varieties which free inquiry and large discourse of humanity produced, had been countervailed by the strong necessity which the crisis presented. During the long dominion of those of whom the Ministry were the legitimate successors, they were bound together by ties palpably intelligible, not to be mistaken, the Treasury Bench bounded the horizon of their hopes, and they prevailed accordingly over those who felt for the sufferings of mankind, and looked towards the shifting aspects of their future condition. Well had the great poet of our own time represented a similar triumph—

"For by superior energies, more strict
Affiance in each other, faith more firm
In their unhallow'd principles, the bad
Have fairly gained a victory o'er the weak,
The vacillating, inconsistent good."

Such, he trusted, would be the case no more. Reform might be vexed and impeded in its course of majesty, and power, and beauty, by the efforts of the right hon. Baronet and his party, but the impediments would be eventually awapt away, and the friends of humanity would witness its career, rejoicing at the good it effected. The right hon. Baronet had said, that he would carry on the Government in the spirit of Reform, and he wished to be made the depositary of the confidence of the people. He (Mr. Sergeant Talfourd) would rather see infant freedom, young Reform, consigned to the care of those who

had nurtured them in their tender age, rather than to those avowed enemies, of which the right hon. Baronet and his Government were the most prominent, who had endeavoured to prevent their growth, to destroy their increasing strength, and to strangle them in their very cradle, while they even pressed their pillow. The result he waited for without any great anxiety; he was sure that it would be as he wished, and as the country desired. He awaited with quite as little dread the more remote effects of appropriation, which had gathered like thick clouds around the head of his hon. and learned Friend, the Solicitor General, and so obscured his lucid understanding, that he saw danger to the religion of England from an improved appropriation of the wealth of the Irish Church. As he did not participate in the nearer fears of the learned Solicitor General, so neither did he participate in the more remote apprehensions he had expressed; but he drew his hopes from another source. He believed the true principle of conservation was not to be sought in sinking the last remains of ancient oppression, nor in preserving the middle walk of particular native sects and parties, nor even in the safety of particular institutions, but in the human heart itself, when an appeal should be largely made to it, and when the imagination and affections, which now gave all their sanctity to the most honoured institutions, would not be appealed to in vain. In that appeal true safety was to be found, and the more largely, liberally, and unreservedly it was made, the more security would be found, and the more clearly would it be found, that even in the Irish hovel there was a disposition not only to inquire and to know, but to love, to revere, and to enjoy. He believed that the defeat of the present Motion would throw the country back for many years. In vain could those who opposed the Motion revert to the most shameful parts of the Constitution, they must look forward and consult the interests of the people, and he called upon the right hon. Baronet at once to throw himself manfully into the arms of those who were the friends of the liberties of the country. He would give his most cordial support to the Motion.

Mr. *Præd* rose and said the hon. Member for Reading, who had just sat down, had been mistaken in one of his concluding remarks, for the reproach made against him, and the side of the House with which he acted, was not that they brought forward

an important question with the view of displacing his Majesty's Government, but that they had brought forward a question which had compelled so many of them to flinch from their own opinions, which were on record against them. The argument was, not that the surplus revenues of the Irish Church was property to be alienated, but the question was, whether the point would have been mooted at all by the noble Lord, the Member for South Devonshire, if he had still been sitting on the Ministerial side of the House? Having made these remarks, he would now call the attention of the House to the actual question itself. The House, by the noble Lord's resolution, was called upon to vote an abstract resolution. The words of the Motion were—"That the House resolve itself into a Committee of the whole House in order to consider the present state of the Church of Ireland, with a view of applying any surplus of its revenues to the general education of all classes of the people, without reference to religious distinction." The Committee was to make the inquiry into the state of the Irish Church, with a view of applying its surplus revenues to certain purposes, and it was true that those purposes were specified in the resolution; but he could only say, that if the House could be justified in adopting such a course, it could be equally justified in adopting any other. He would ask what did the House at present know of the question? What did it know of these revenues? His hon. Friend, the Member for Halifax, had said that it was an assumed fact—that it was a point conceded by all persons—that there did exist a large surplus revenue. This said his hon. Friend, was a fact that did not admit of a doubt. He was astonished that his hon. Friend, the Member for Newark had not controverted that proposition, although he had received it with something like a doubt. He (Mr. *Præd*) denied the proposition, and even if it were true, that truth was not known at the present moment. What, for instance, he would ask, did Lord Brougham know upon this question? It was only in the last Session of Parliament that Lord Brougham had said in the House of Lords:—

"He had stated most distinctly, that whether there would be any surplus to take, or whether, on the other hand, the Church might not want some additional support, they must wait to ascertain the fact until the result of the inquiry which had been set on foot was known."*

* Hansard, (third series) vol. xxv., p. 1136.

Not very long before that, on February 12, 1833, Lord Althorp, in his place in Parliament had said :—

“ A very great exaggeration has prevailed as to the amount of these revenues. I say, conscientiously, that greater exaggeration has prevailed on this subject, than has prevailed on any political topic which I recollect. Before I looked more narrowly into the question, I myself greatly exaggerated, to my own mind, the amount of the revenues of the Irish Church Establishment.” *

This was a confirmation by the speeches of the Members of the late Government of the fact of their ignorance upon the subject, and he asked the House whether before any attempt had been made for the removal of that ignorance, it would be right to pass the absolute resolution contained in the Motion of the noble Lord? He could not conceive how the noble Lord could argue that his change of place could justify him in now bringing forward a question which he formerly would have opposed if he were sitting on the Ministerial side of the House. The noble Lord, when on the Ministerial Benches, on June 21, 1833, when the 147th clause of the Irish Church Temporalities' Act was under discussion, made use of the following words in reference to the abstract power of the House to appropriate the property of the Church :—

“ The present was but the shadow of a claim, to prosecute which, would be risking the peace and tranquility of the country for the sake of an abstract principle.” †

The noble Lord had stated on a subsequent occasion—

“ With regard to the other part of the resolution, that the Establishment exceeded the spiritual wants of the Protestant population and ought to be reduced, that certainly ought to be founded on facts. He had a strong opinion on the subject, and did not hesitate to say, that if it should be found on inquiry that the religious and moral instruction of the people was not properly provided for by the Church of Ireland—the only ground on which an Established Church ought to be upheld—some measure should be devised for appropriating or reducing her revenues. He begged to say that he did not think the House right in the first instance to agree to a resolution pledging themselves to an abstract principle which might be afterwards contradicted by the inquiry consequent on that pledge.” ‡

The noble Lord was met on that occasion by the argument which he himself now

used against the right hon. Baronet, the Chancellor of the Exchequer. The noble Lord was told, that if the movers of the resolution had confidence in his Majesty's Government they would be satisfied with the appointment of a Commission of Inquiry into the state of the Irish Church, but as they had no faith in Ministers, and did not know how soon they might be displaced by those who were hostile to all reform, they must call upon the House of Commons to vote the expediency of such a proposition. It was curious to observe how the noble Lord had met this argument :—

“ He thought it necessary to state that the House of Commons had a right, if the Ministers of the Crown had not their confidence, to express their opinion to the Crown, and had a right to require that the Ministers of the Crown should be persons in whose character and principles they are disposed to confide. But having secured that point it would be consistent with all proper principles of Government, and with the wisdom of the Legislature, to leave to such Ministers the task of bringing forward their measures according to the principles which they approved of.” *

These were the charges now brought forward against the noble Lord by the right hon. Baronet. If the noble Lord had no confidence in his Majesty's Ministers why did he not bring forward a resolution to that effect, instead of (to serve his party purposes) proposing to the House of Commons to pledge itself to a resolution which, according to the noble Lord's own doctrine, it might not find it expedient to adopt? Another noble Lord, whose sentiments he did not like to quote, because he was no longer a Member of that House (Lord Palmerston), had spoken on the same debate, and as he was then a Cabinet Minister, he must be supposed to have spoken the sentiments of his party. The Noble Lord said :—

“ What then did they intend? Did hon. Members gravely propose to record a solemn resolution of that House affirming the existence of certain facts, and then institute an inquiry to ascertain whether these facts did or did not exist.” †

“ To him, therefore, it appeared little less than a gross absurdity for the House to accede to the Motion of the hon. Member. If the House were prepared to deal with a question of such importance, in which the religious feelings of the country were so deeply interested without previous investigation, they would support the hon. Member, but if they conceived

* Hansard, vol. xv., p. 566.

† Hansard's, (third series) vol. xviii., p. 1095.

‡ Hansard, (third series) vol. xxiv., p. 31.

* Hansard, (third series) vol. xxiv., p. 32.

† Hansard, (third series) vol. xxiv., p. 78.

that a solemn inquiry was necessary before adopting such a proceeding, he called upon them to reject the Motion.*

But the question had been brought forward now, and with a view solely embarrassing his Majesty's Ministers. Well, the question was before the House, and how he would ask, was it likely to be concluded? Suppose the measure were to be carried, and it was to turn out that no surplus revenue of the Protestant Church Establishment in Ireland did exist. The House might surely assume it to be possible, for even Lord Brougham had supposed the possibility of it. Perhaps hon. Members might say, well then there had been no harm done, the Committee had passed a Resolution that involved nothing. He would ask the House whether that was a proper manner to deal with a question of such importance? How had this very point been dealt with by hon. Members opposite, when they had been sitting on his (Mr. Praed's) side of the House? The point had been discussed on four or five occasions, when the 147th clause of the Irish Church Temporalities' Bill had been before the House. Four or five times had the present question been brought forward, and on every occasion had the Ministers of that time pointed out the danger of establishing an abstract principle before there existed anything to carry it into effect, he would now allude to an hon. and learned Member opposite, who gave to the present Motion his support, and who had yet on the former occasion expressed his strong sense of the danger of asserting the principle. The hon. and learned Member for the Tower Hamlets speaking upon a former debate, expressed himself to the following effect:—

"What can be gained by assenting to this proposition? Are we to assent to it merely that we may conciliate one part of Ireland at the cost of irritating the remainder? If we were to legislate in the spirit of the Member for Dublin would any impartial man suggest that we should be dealing even-handed justice to the different parties in Ireland? I am not prepared to sanction a proposition which at the same time that it will not confer any advantage on one class will be considered as insulting the remainder. I never will consent to insult the Protestants of Ireland unless from the pressure of some deep necessity. I am not prepared to offer this useless and unnecessary affront."

If, then, the House were now to go into

the Committee, and it were to be found that there existed no surplus revenue, to what end or purpose, he asked, had the noble Lord proposed this insult on that mass of the population whom they admitted to be loyal? But he (Mr. Praed) would put the question in another point of view. Suppose there was a surplus, suppose it was to turn out a large sum, how then were they to dispose of it? Let the House consider before they adopted the Resolution, how the surplus was to be disposed of. In the first place, you pare down the funds of the Protestant clergy of Ireland, a clergy that, as individuals, (whatever they may have been according to the hon. Member for Halifax in the days of Queen Elizabeth) were now allowed by all persons to be a body of pious, charitable, and deserving men. The House was to take the means of charity from them, and to give them to a Board presiding over the moral and religious education of the community. He would assert that in the hands of the Protestant clergy the Church revenues possessed so much the character of property that the State had no right to take it for that or any such purpose. The noble Lord, and those who acted with him, asserted on the contrary, that they had a right to take from the Church this property, and to destroy its title, as property in order to apply it to more useful purposes, and it was, therefore, incumbent on them to show that the objects to which they would devote it were such as to justify its misappropriation from the hands of the Protestant Church. They were bound to shew that they had a right to deal with this fund as with any tax levied upon the Irish people. Suppose the property to amount to 100,000*l.*—and he would ask—was there one man in that House who would say that he thought it fit to raise 100,000*l.* per annum (he took it at the smallest point) from the people of Ireland merely for the purposes of their moral and religious education? [*"Hear, hear," from the Opposition Benches.*] Was he to take those cheers as a mark of assent. [*"Yes!"*] He then was not one who could be ever brought to give his consent to the raising of such a sum for affording a moral and religious education to the people of Ireland in the situation in which they now existed. He would read to the House a few extracts of documents, in order to prove the condition of the people from whom this money was to be raised. Dr. Doyle had said before the Committee on the state of Ireland—

* Hansard, (third series) vol. xxiv., p. 79.

"I myself found three families in a little space not larger than what is within the circuit of these tables. Their beds are merely a little straw strewed at night upon the floor, and by day wrapped up in or covered with a quilt or blanket. They are obliged to do it up in that manner by day in order to have some vacant space. In these abodes of misery disease is often produced by extreme want. Disease wastes the people, because they have no food or comforts to restore them. They die in a little time. I have known a lane with a small district adjoining in the town in which I live to have been peopled by about thirty or forty families who came from the country; and I think that in the course of twelve months there were not ten families of the thirty surviving. The bulk of them had died.

After this evidence he for one was not prepared to raise anything like a tax of 100,000*l.* for the purposes of education until he had provided for such deplorable distresses. He even went further than this, and he would maintain that the proposition of the noble Lord would take from the lands of the Protestant clergy for the purposes of giving a moral and religious education those funds which now went to the supply of those physical wants of which the House had just heard the description. [*"No, no."*] Oh, then, was the House to suppose that there was no charity on the part of the Protestant clergy who at present received these funds? He would remind the House of one case, when the fever raged at Limerick, and when it was proved that the Protestant and Catholic clergy vied with each other in affording relief to the sufferers. The Resolution would deduct from the funds what now went to the relief of physical wants, in order to afford the means of education. Suppose the Resolution to pass, and suppose that the surplus was to be devoted to this moral and religious education, how, he would ask, did the friends of the Resolution know that they could raise the money? The hon. Members opposite appeared to him to have lost sight entirely of this great difficulty which they themselves said had forced upon the House the consideration of the present Question. Their cry was, that they could not get the tithes. It was impossible to collect the tithes, and therefore, had they proposed a Bill to place on the landlord the burthen of the tithes in order to relieve the Church. It had been argued that this Bill would give effect and facility to the raising of the tithes. He would ask whether it could be supposed that it was

possible to raise a moral and religious education tax from landlord or peasant as great as the tithes which it had been found impossible to raise before. Perhaps he should be told that the objection on the part of the people of Ireland was an objection only against tithes paid to a Protestant Establishment. He was astonished that this had been taken in that House as an undisputed statement. He would maintain, that all difficulties now found in collecting tithes would be just as great in levying the same sum, to be applied to moral and religious education. If he were wrong in this, he could only say, that he was wrong with men of the highest authority on this subject. He would show that the Irish people did not object to tithes on the ground of religious differences so strong as they objected to them as mere exactions of money. Upon this subject he would quote the evidence given before the Committee of 1825, by the hon. and learned Member for Dublin. The hon. and learned Member was asked,

"Do they consider it a greater hardship to pay to Clergymen than to lay impropriators?"

"I cannot say that they do, was the answer. I recollect many instances where they considered it a still greater hardship to pay to a lay impropriator. In lay impropriations they have considered it quite ridiculous to be paying tithes where there is not the slightest pretence of religion at all connected with it.

"Which do you think is the feeling that operated most—an objection to pay where religion is not concerned, or an objection to pay where a different religion is concerned?"

"I do not think it makes any great difference. I am sure they would have a great objection to pay their own Clergy tithes. Abstract points of faith do not matter much."

He would next quote the evidence upon the same point given before the Committee by Dr. Murray, the titular Archbishop of Tuam.

"Is it not a general feeling among the Catholics and amongst a great part of the Protestants also that the Establishment of the Church of Ireland should be very much curtailed?"

"It is a general opinion that the Establishment is unnecessarily rich; but I do not observe any feeling in Catholics as Catholics to exert themselves for its curtailment.

"The feeling is rather an opinion of political economy than a religious feeling?"

"Exactly so. As religionists they have no particular feeling.

"The Committee understand you as saying that it is the burthen itself that is oppressive, and not the circumstance of the person to whom it is paid?"

"Yes; the burthen."

He would appeal to any man of common sense whether the Catholics had not from year to year been persuaded that in clamouring for a removal of tithes they were clamouring for putting the money into their own pockets, and to whatever other purposes the tithes might be perverted the people would complain just as much as they ever had done if they found the tithes remained the same burthen under another name? He was sensible that he had been putting the question on the lowest grounds on which it could possibly be put. He would never shrink from avowing that he held to quite as great an extent as any man the inviolability of that property, and the inapplicability of it to any other use than that, most strictly speaking, of the Church. If the House violated that principle they must go to the full extent with respect to all other sorts of property. But it was said that those who opposed the Motion begged the whole Question when they applied the sum to the education of Protestants. He denied that they did any such thing, and if he was wrong in this he was wrong in very good company. In support of his view of it, he would refer hon. Members opposite to the opinion of the right hon. Gentleman the Member for the town of Cambridge: he would quote his authority as he found it, but he would leave it to others to ask the right hon. Gentleman how long it was he held the opinion that Protestant Church-property should be applied to other than Protestant purposes? During the discussions on the measure of Roman Catholic Emancipation, the hon. and learned Member then sitting for Colchester had rested his support of it almost upon one solitary principle. The hon. and learned Member had on the occasion to which he now referred, in declaring the grounds upon which he gave his support to that measure, stated as distinctly as words could state, that his reason for supporting that measure was, his conviction that if it were passed it would lead to a combination between the Catholics and the Protestant Dissenters from the established Church of Ireland, for the purpose of making a joint attack upon its revenues and emoluments. In response to this, what had been the comments of the right hon. Gentleman the Member for Cambridge (Mr. Rice).

"What," said the right hon. Gentleman referring to a speech of the hon. Member for

Colchester, "was the hon. Gentleman's statement on that occasion? He was declaring the grounds on which he supported the measure for the relief of the Roman Catholics; and he then stated, as distinctly as words could state that his reason for that measure was his conviction that if it were passed it would lead to a combination between the Catholics and the Protestant Dissenters from the Established Church of Ireland for the purpose of making a joint attack upon its revenues and emoluments.

"If, then, the vote of the hon. Member be given on such grounds as he had stated to the Bill for the removal of civil disabilities from the Catholics, I, friend as I have been from my infancy to the Catholics, would rather have his vote against me than see the cause to which I am attached burdened with, I will not say the disgrace, but the inconvenience, of his support. So that the hon. Member is at liberty to vote as he pleases, provided that he will not burden us with the absurdity of his opinion. I have been from the earliest period of my life an attached member of the Church of Ireland, and I am quite sure that I have never supported any motion which had a tendency to diminish the revenues of that Church."

Fearful, however, that this might not satisfy the hon. Member for Colchester, and, in reply to some previous taunts, the right hon. Member for Cambridge had entered into these further explanations:

"He considered the Church property of England and Ireland as created and protected by the law like other property, but that it was not held absolutely, but on a certain condition. Therefore, while he denied the right assumed by one class to confiscate or appropriate the property of the Church, he equally denied the right of the other class to refuse inquiry into the way in which those public trusts were discharged, or in which the stipulated conditions were fulfilled. Acting upon this principle, whenever in Parliament a proposition was made for laying hold of the right of the Church and confiscating that property, to such a proposition he had always said "No!" But, on the other hand, whenever a motion was made for inquiry into the state of Church property for the purpose of seeing that it was properly applied, he would give that motion his cordial assent. He had voted uniformly against confiscation—he had voted as uniformly for inquiry.

"In 1825 the hon. Member for Montrose brought forward his final attack on the Church—an attack which produced the magnificent speech of Mr. Canning in its defence. The motion on that occasion was,

"That the property now in the possession of the Established Church in Ireland is public property under the control of the Legislature, and applicable to such purposes as, in its wisdom, it may deem beneficial to the best interests

of religion and the community at large, due regard being had to the rights of every person in the actual enjoyment of any part of that property.”

“Did I, Sir, vote for that motion? Certainly not. If I had, on either of the two occasions to which I have alluded, voted for such a proposition, then the hon. and learned Gentleman might justly charge me with inconsistency.

He had perhaps dealt with quotations more on the present occasion than was usual; but if he had done so, it was to avoid unfair misinterpretation of sentiments expressed by hon. Members, and with a view to quote them rather as an authority than with a view to charge insincerity upon those individuals whose language bearing upon this important question he had felt it to be his duty to submit to the House.—He therefore had no apology to make to the House for the course which he had pursued; he did not call upon the right hon. Gentleman to say why he was not sincere on the present occasion, but he did call on him to give to the House some reason for the extraordinary change in his sentiments, which he was sure the right hon. Gentleman, as a man of honour, was quite ready to give. There was one other point to which he wished before he sat down, shortly to refer. Those on his side of the House had been charged with bigotry and intolerance, because in the consideration of this question they could not conceal from themselves that the revenues of that Church were about to be confiscated, which, in his opinion, taught the truth and dissuaded from error. He trusted that he would not be visited with the imputation of acting from uncharitable motives, if, admitting that there were many Catholics for whom he entertained sincere friendship, and others for whom he felt a cordial esteem, he expressed himself unwilling to give his assent to that doctrine which had been propounded on that night and previously, and which went to imply that in the settlement of this Question the Legislature had nothing to look to but the fact, whether or not the inhabitants of Ireland were good subjects, and were willing to pay those demands which were made upon them by the United Parliament. He must, however, be permitted to say that he considered an attachment upon the part of the people to that persuasion which he believed to be the true one, to be the best security for loyalty to the Crown, attachment to the constitution, and for the per-

formance of all the duties of both public and private life. He could, as a protestant, not help thinking, and he would not hesitate to assert, that in countenancing the adoption of error, he should take a course which would endanger the stability of that Church which he believed to be the true one, and the maintenance of which in its present position he deemed essential to the proper discharge of all the duties of life.

Dr. Lushington would not have presented himself to the House on the present great and momentous occasion but for the observations personal to himself which had fallen from the hon. Gentleman who had just spoken. The hon. Gentleman had alluded to sentiments expressed by him (Dr. Lushington) on former occasions, but when he declared his intention of supporting the motion now before the House, he must at the same time express his conviction that he should give that support without inflicting any violence upon any principles which he had heretofore expressed, and which he still maintained. He hardly thought it necessary to detain the House with even the briefest explanation of the language which had fallen from him in the course of former debates, inasmuch as the extracts which, by long and laborious research through the debates, had been submitted to the House, were too insignificant to call for a lengthy reply. It was, he thought, almost sufficient for him to say that mere portions of speeches, without adverting to the precise question in reference to which they were delivered, could not convey a correct notion of the sentiments which called forth that or those speeches. Nevertheless, an attempt had been made to put in opposition to his present sentiments words he had formerly uttered. The sentiments which had been quoted were those which had been expressed on the occasion of his noble Friend (the member for North Lancashire) withdrawing, or rather refusing to carry forward, the 147th clause of the Irish Church Temporalities' Bill. He believed that it was notorious to all who were acquainted with his opinions on that subject, that in that 147th clause he entirely acquiesced, and he now acknowledged that it was with considerable regret he found the determination of the late Government to withhold that clause, and what he had on that occasion said had not been intended to impugn the sentiments upon which that clause stood, or the truths upon which it was founded, but for the purpose of preventing the danger at that moment of

carrying successfully that bill, and for the purpose of obtaining a postponement of a question at least doubtful; and, by that postponement, obtaining by the other provisions of the bill one step forward in the ways of truth and justice. Such were his sentiments then and now, and he wished to be informed when and on what occasion had they been otherwise? He acknowledged his own fallibility, but he, like the right hon. Baronet opposite (Sir R. Peel), was not to be judged by quotations from former speeches, but by looking to his conduct with reference to great questions of truth and the interests of the people, to both of which it was the duty of a legislator to look. With these brief observations he proceeded to the great and important question before the House for its determination, and though he made no protestations of faith in the market-place as it were, but thinking that every honest man, zealous in his religion and attached by loyalty to his country, had the right to form the faith which he openly and publicly avowed, and though he thought also that such protestations were misplaced, and savoured rather of fear and alarm than of sincerity in him who uttered them, there was no consideration so high in principle, whether it was a principle of religion, eternal justice, or policy, for which he was not prepared to make his humble appeal on this great and momentous occasion. What was it that, from time to time and year after year, had called the Parliament of this country together, but the calamitous state of Ireland, but the evils which threatened that country with destruction, arming man against man; and what had been the remedies from time to time proposed for the alleviation of those evils? First of all came the bill for the emancipation of the Roman Catholic population, and the supporters of that measure had been taunted, in the course of this debate, with quotations, and comments upon those quotations, from the evidence of the hon. and learned Member for Tipperary, of the hon. and learned Member for Dublin, and others examined before committees of this House; and it had been urged that their prophecies and predictions as to the result which would follow the passing of that great measure had not been fulfilled, and that it had not been productive of that peace, happiness, tranquillity, and prosperity which some of the most sanguine adherents to that measure had promised. He (Dr. Lushington) had never entertained any such hopes; he had

never supposed, that after an injustice of three hundred years' standing, the irritation of men's minds, occasioned by these continued wrongs which desolated the country, it could accord with human feelings or the principles of sound reasoning, that by the single measure of emancipation the Legislature could put an end to all the consequences of past errors, and at once set all to rights. He had no such belief in the healing qualities of the measure of emancipation; he conceived it to be only an ingredient in the medicine to be administered—an ingredient, it was true, without which it would be impossible to effect a cure. To the measure of emancipation what had followed? The bill of the right hon. Baronet opposite, designed as a remedy for the tithe grievance. Of that bill he would say that the abolition of tithes in some shape or other, and not commutation, was indispensable to the pacification of Ireland. That bill was only another remedy in part, and upon it he had said that the Legislature must necessarily do more. Now he came to the motion proposed by the noble Lord the Member for Devonshire. His noble Friend proposed that the surplus revenues of the Protestant Church of Ireland should be devoted and disposed of in the way stated in the motion. Did he say that this even would complete a cure? No, for here he would again tell the House that a deadly disease was preying on the vitals of the Irish nation—a disease which was likely to rend the vitals of the British nation; but still this was one of those measures which was indispensable to the final termination of all causes of dispute? Let the House look to the state of Ireland: in that country the peace was maintained by the presence of not less than 20,000 soldiers, with the aid of Acts of Parliament destroying every sign of the constitution; with constabulary and police force without number; so that no man who would dare to have the courage to look, at one moment, at the state of England, and at another to that of Ireland, could say that they resembled each other either in liberty or happiness. That man, if an Irishman, must regard this state of things with pain and shame, and if an Englishman, with feelings of disgrace for the past, and fears for the consequences. He (Dr. Lushington) would now look to see the causes of discontent in Ireland, and whether or not, by probing those causes to the bottom, a just and adequate remedy could not be found and made effective. He hoped no

misconception might arise, when he stated that, on his word and in his conscience, he believed the introduction of the Protestant Church into Ireland was the main cause of the existing evils. He would not venture to say thus much but that he had deeply considered the matter, and he conscientiously believed it, despite what had fallen from the right hon. and learned Member for the University of Dublin. He contended that the Protestant religion had been forced upon Ireland by the conquering people of England, who, by themselves and their priesthood, turned out to beggary and destitution, those who refused to become apostates to the faith they revered. The power thus gained was established subsequently by Acts of Parliament. Thus it was, that the population of Ireland was divided into two classes of people, and hence it became indispensable for the class in power to crush their fallen brethren by the enactment of a code of penal laws—laws which deprived them of their just right as British subjects, of rights not only nearest and dearest to an Englishman, but also to human nature. What had been the consequences which had ensued, and which had continued from that hour to the present?—why, that instead of having a people united, happy, and flourishing, Ireland had a population living under fears and trembling, in dread of the halter of the public executioner, the sufferers from rebellions, and the victims of perpetual insult. Admitting, as he did, and as he conscientiously believed in the truth of the Protestant faith, his principle was this, that by means not sanctioned by the majority of the people—by means not authorized by holy writ, but forbidden on the principle of universal justice, a religious faith had been forced upon the majority of the people, which was hostile to their opinions long expressed. What could be expected, then, to result from such a course of proceeding? Was, he would ask, peace, happiness, and tranquillity to be anticipated? What had been stated upon the authority of a quotation from the pamphlet of the reverend Mr. Croly? He (Dr. Lushington) assumed every word of that statement in reference to the existing condition of the Roman Catholic clergy in Ireland. It would seem from that quotation and statement, that although the majority of the people of Ireland adhered to the faith of those ministers, they were compelled by their poverty and destitution to exact the last farthing in order to pay for the rites

of that religion which they believed to be essential to their salvation. He would admit, for the sake of argument, that there prevailed a disgraceful bargaining for the rites of the Catholic Church between the priesthood and the people; he would admit, for the same purpose, that those rites were made the subject even of bargain and sale, but admitting all this, he would inquire what must be the feelings of the descendant of an ancient Catholic family, when he portrayed this picture of the religion he professed, and compared it with that presented by the condition of the Protestant Church established in the land of his forefathers? What, he repeated, would be the feelings of such a man on remembering his own degradation, or recollecting, from the details of his own family history, that his ancestor had been compelled to quit his native land to seek elsewhere that education which his English persecutors refused him at home, or if he called to mind the fact that his gallant Catholic progenitor had reaped those laurels in a foreign service which was denied him all share in the service of his native country? However great the indignation for this degradation of his ancestors, it would be increased still more if he himself regarded the state within his own times of the Church to which, from religious feelings, he was attached—the ancient Church, not of the small minority; let him regard the rites of that Church having become the mere matters of bargain and sale, and, having drawn this picture, let him compare it with the Protestant Church raised on the ruins of that of his own faith—a Protestant Church, not merely amply but gorgeously provided for, and then would it be in human nature that he should be quite happy or content? For these evils and wrongs it was impossible for the House, or the country to do complete justice. Would to God that it was possible! But after wrongs of 300 years' duration, it was at least incumbent upon the House to show its anxiety—to show its feeling in respect to these wrongs—its anxiety to conciliate the affections of the great majority of the Irish people, and to tell them that the Legislature could not effect all that it desired, but that it was at least anxious to bury in oblivion all past differences. He was in earnest expectation that this would be accomplished by some such measure as that before the House. The question was one not merely affecting Ireland but England also, for what had been the conse-

quences of the system so long continued in the former country? The clergy became distressed, and 1,000,000*l.* had been advanced by England for their relief. That amount of British money had been sacrificed on the plea of conciliation, to maintain the system which had so long prevailed. This was now made a call upon the Church of England, the members of which paid their tithes, and upon the Protestant Dissenters of England who paid Church-rates and tithes, and supported besides the ministers of their own creed; and that demand, too, made to support a Church inconsistent with the views and feelings of the majority of the people. This showed how just and true was the principle, that when once the course of justice was departed from, it would be difficult to trace back the steps pursued out of that straightforward career, and that the time would arrive when the poisoned chalice would return to the hands of those who had sent it forth. He now came to the objections which had been raised to the Motion proposed by the noble Lord, the Member for Devonshire. He thought it was the right hon. Baronet, the Member for Cumberland, who had stated, that of all the provisions contained in the articles of Union there was scarcely one to be observed with greater sacredness than that which related to the maintenance of the Protestant Church in Ireland. With great deference to the right hon. Baronet, while he acknowledged the binding authority of the articles of Union, yet he must contend that they were not binding to all eternity, neither were they so binding but that, if by the events of time it should be found to the benefit and advantage of both parties to the compact, they might not be reviewed. But if he placed any confidence in that compact to which allusion had been made, it was in the fact, that if any doubt arose, that doubt ought to be ruled in favour of the party which had the majority in Ireland, and not according to the interests of the minority. Of the two parties, the Catholics of Ireland had most unquestionably the majority. He (Dr. Lushington) considered the arguments on this head advanced by the right hon. Baronet as incapable of being maintained on any principle, still less could he accord with the right hon. Baronet in taking for his guide his own conviction of the truth of any mode of faith. Individual conviction could not be applied as the test of the truth of any religious faith. That principle had been consecrated by the wisdom of the

Legislature. He would say further, that it would not be dared to adopt the test contended for by the right hon. Baronet in the Canadas, in the Catholic colonies of this country, or in the British possessions in the eastern hemisphere. His hon. Friend, the Member for the University of Oxford, had said, "that no man could be sincerely zealous in his own belief if he did not desire to propagate that faith by every fair, just, and befitting means." No man could agree more cordially than he himself did to a proposition so guarded. What, then, were these fair, just and befitting means? Were they degradation on the one side, and assumption on the other? or did they not rather consist in perfect justice and equality on both sides and in promoting the diffusion of education, which would enable every man to judge for himself, which in England and in Ireland, and in every country on the face of the globe, would, in God's good time and not sooner, bring all men to the conviction of the truth. Where zeal outstrips understanding, and where passion is listened to instead of reason, men think, that by their own petty and insignificant efforts, by trenching on the freedom of others, they can do that which God alone reserves to himself the power of doing, and which no being else had the power of performing. With these feelings, he was most anxious that this Motion should receive the ultimate approbation of the House. Reject it—deny to Ireland the consolation which it is calculated to afford—say that you will retain the Protestant Church with all its existing revenues, even if the number of its members should fall down to 50,000 from its present number of 1,000,000—for that was the extent of the doctrine for which his hon. Friend contended—and what was it that the House could expect? Yes, the doctrine which the other side contended for was, not that the Church should be in proportion to the existing wants of the Protestant population, but that be those wants what they might, the fund out of which they were to be supplied should be sacred, even though one-twentieth part of it should be fully adequate. Resolve against the Motion of his noble Friend, the Member for Devonshire—consecrate the principle for which Gentlemen on the other side contended—and it would be tantamount to a declaration of perpetual civil war against the religion professed by a large majority of the population of Ireland.

Mr. *Beilby Thompson* said, he rose as a country Gentleman to declare, if not wisely,

at least fearlessly and independently, the reasons which biassed him in coming to the vote which he intended that night to give. In doing so, he felt himself under the necessity of claiming for himself the indulgence of the House—an indulgence, which he knew from a ten years' experience, it was always ready to grant to Members, who, like himself, were not in the habit of trespassing frequently upon its indulgence. After expressing the diffidence which he felt in coming forward on this occasion, and hoping that, if he were unable to arrange his ideas lucidly, the House would bear with him for a few minutes, he repeated, that he stood forward in the character of an independent man to make a brief statement of the reasons for his vote. He should begin by expressing his deep regret, that the right hon. Paymaster of the Forces should, in his place, as a Member of that House, and a Member of the Government, have stated, that he considered the noble Lord, the Member for Devonshire, to have brought forward this Motion with factious and self-interested motives. He would also take the liberty of regretting, that the hon. and learned Member for Yarmouth should have found fault with the same noble Lord for not having brought it forward last year. He was sorry that those two hon. Gentlemen should have narrowed the question into such grounds. He could freely state that he was not actuated by any motives of self-interest in the course which he was then about to pursue. If the noble Lord had brought forward this Motion last year, he should, on the Ministerial side of the House, have pursued the same independent line which he was then going to pursue seated on the benches of the Opposition. The noble Lord, the Member for Northumberland, had ably, and with that inborn eloquence which belonged to the illustrious stock from which he was descended, rebutted sufficiently the charge of factious motives which had been imputed to hon. Gentlemen on his side of the House. That refutation was so complete that he would not attempt to carry it further. He was sure that the noble Lord would acquit him of any improper motive when he now frankly declared, that he must dissent from him on the present occasion. He said it proudly—he arrogated to himself the full exercise of his own judgment. That he was willing to grant to others, and that was all he claimed for himself. He trusted that he should be permitted to state, that,

if he had himself been influenced by factious motives, he should not feel the pain which he then felt in declaring the vote which he was then about to give. He should not feel the pain which now oppressed him in stating, that he could not concur in the Resolution of the noble Member for Devonshire, whom he rejoiced to hail, and whom he then did hail, as the leader of the Opposition, of which he himself was proud to avow himself an humble Member. He thought that the present was not a question of confidence either in the present Ministers or in the Leaders of Opposition. He was actuated by feelings that he could not repress; and he wished that he could conceive it to be consistent with his duty to vote for the noble Lord's proposition. One of the earliest—indeed, the earliest resolution which he had formed in his political life, was to vote in favour of Catholic Emancipation; and his learned Friend who had just sat down, whose friendship he was proud of having possessed for thirty years, had conceived, and he had always agreed with him in conceiving, that Catholic Emancipation was an ingredient which must enter into every scheme for remedying the evils of Ireland. He was a sincere Protestant, and he might, from his vote of that night, incur the charge of being a rigid Protestant, but he sincerely respected the feelings and honoured the devotion and zeal of his Roman Catholic fellow subjects in promoting the tenets of their religion. He had, however, anticipated, and so, he believed, had his hon. and learned Friend, that more favourable results would have emanated from that measure of Catholic Emancipation than those which had actually come to pass. He would not trouble the house with a long speech on this occasion. He would simply state that his decision upon this Resolution rested upon three distinct grounds. As a Protestant, and he hoped not an intolerant Protestant, he felt it to be an act of pressing injustice to many existing clergymen of the Protestant Church in Ireland. It was his firm belief, that many Protestant clergymen in Ireland were entitled to his support, feeble as that support might be. It was, therefore, on the principle of alienating, in this manner at least, the property of the Protestant Church from those who were now shining forth as the elements and ornaments of that Church, that he now refused his assent to the Resolution before the House. The second ground of his decision was, that this Resolution was an interference with exist-

ing property, and was pregnant with danger to every other species of property. The third ground was one to which he had already alluded, or which was, at least, connected with it, and was this—that almost all the arguments which he had heard (and he had listened with mute attention to all the arguments which had been urged) had been founded, as was the case in the debates on the Catholic Emancipation, on the contingency of future benefits to be derived from it. He regretted that, on these grounds, on the impulse of his own free judgment, he was compelled to vote against the Resolution of the noble Member for Devonshire. But in so doing, he must again state that he was not biassed by political feeling to vote either with one side or the other.

Mr. *Littleton* said, that, although the Gentlemen with whom this motion originated were not to have the benefit of the vote of the hon. Member who spoke last, he had still heard with pleasure the honest expression of his independent opinion, because he could not conceive anything more unfortunate than that this Resolution should be carried by a mere party feeling, or, indeed, by any other motive than a sincere conviction of its importance and necessity. As far as he had been able to collect the speech of the hon. Member, for he had not heard the hon. Member very distinctly, the hon. Member had said, that his principle and primary ground for opposing this Resolution was, that it would trench on the existing interests of the clergy of the Protestant Church of Ireland. He believed—indeed, he was certain—that it would do no such thing. The hon. Member was completely in error on that point. It never was the intention of any man on that side of the House to propose a measure of such sheer injustice. He had never heard any of those who sometimes expressed extreme opinions,—he had never heard his hon. Friend, the Member for Middlesex, nor the hon. and learned Member for the city of Dublin, speak upon this subject, without hearing them express this conviction—that honesty required that existing interests should be regarded. His right hon. Friend, the Member for Cumberland, and several of the hon. Members who had followed him, seemed to entertain the opinion, that the House was precluded by the Act of Union from requiring any further sacrifice from the Protestant Establishment in Ireland. He hoped that he was not less scrupulous than his right hon. Friend in regarding the

compact which had been made between the two countries. He had heard his right hon. Friend's argument with some surprise, because he recollected that his right hon. Friend had been a Member of the Cabinet which had brought in and passed the Irish Church Temporalities' Act—an Act which abolished the sees and revenues of ten bishops, and applied a portion of their property to the payment of the vestry cess—a purely secular object, if ever there was one. But, without inquiring too rigidly into the competency of those by whom that compact was made, it was not to be disputed that a power, the power of public opinion, had since then grown up in Ireland, which it was incumbent upon them to regard with respect. It was incumbent upon them as Englishmen to recollect, that, if the feelings of the Irish nation were to be considered—if, with their present free electoral system, they were to have the privilege of choosing a Parliament of their own, the Protestant Church in Ireland could not be maintained even for a single Session. The Protestant Church Establishment in Ireland had been maintained and supported by the exertions and assistance of the clergy of the Protestant Church in England—erroneously, as he conceived—as an outwork and bulwark of defence for the Church Establishment in England, to which it was a source of real danger, surrounded as that Church was by enemies who disputed the expediency of establishments altogether. As a friend to that Establishment, he protested against its being considered as inseparably united with the Church Establishment of Ireland. He thought that his Majesty had never been more wisely or patriotically advised than he was two Sessions ago, when he was advised to inform his Parliament, that, “although the Established Church of Ireland was, by law, permanently united with that of England, the peculiarities of their respective circumstances would require a separate consideration.” Hon. Members on the Opposition side of the House needed not the speeches of his right hon. Friend, the Member for Cumberland, nor of the learned and eloquent Solicitor General, to instruct them that attempts would be made to represent those who supported a modified appropriation of Church property in Ireland as only lukewarm supporters of the Church Establishment in England. That consideration involved topics of such importance, that he trusted that he should meet with the indulgence of the House whilst he said a few

words indicative of his sentiments on the subject of Establishments generally. He supported a modified appropriation of Church property in Ireland; and in so doing he felt that he was effectually securing Church property in England. He supported the Church Establishment in England, not from any blind partiality to it, not merely because he had been educated in and was attached to its tenets, but on principles which he should sustain, even if he were a dissenter from its doctrines. He supported it not only as the Establishment, but also as an Establishment. He considered it important to the interests of the community that as a means of resisting the baneful assaults of infidelity, there should be some one denomination of Christian sects recognized and endowed as the religion of the State. He also thought it expedient that, whilst the clergy were not debarred from obtaining and exercising a legitimate influence with their congregations, they should be saved, by the assignment of a regular provision to them, from desperate and reckless endeavours to obtain illegitimate influence, that they should be saved from the many shameful compliances with popular feeling to which the most talented men were the most likely to be exposed, and the most likely to yield—that they should be rescued from the necessity of appealing to the passions, rather than to the reasons, of their flocks, and of holding up to them attractive novelties or eccentric originalities, departures, from generally received doctrines, in order to obtain a fleeting and temporary celebrity. These were errors into which the pastors of other sects had not unfrequently fallen; and if these were arguments which applied to us in England, who would not admit that they applied with still greater force in Catholic Ireland? The Protestant Church Establishment in that country had long been supported by the State. Rights and interests had grown up under it, which he should be the last man in the country to counsel Parliament to disregard. But he would assert that there never was a clearer policy than that which prompted us to take care, seeing that 10-11ths of the population of Ireland dissented from the Protestant Church, that the Establishment was made as little offensive as possible to the majority of the nation, and that if it had a surplus of revenue above its legitimate wants, that surplus should be applied to the moral education and improvement of all classes of the community. He contended that the nature of

the Established Church in Ireland was an anomaly without a parallel in the history of the world. In other nations religion had been planted by the sword, and success had justified the result. But in Ireland, after three centuries of oppression, the great mass of the people still continued hostile to the religion established by law; and as that people became enlightened their opinions must and ought to be considered. In the course of the speech which his right hon. Friend, the Member for Cumberland, had delivered the day before yesterday, he had said that the appointment of the Irish Church Commission, which was issued last Session for the purpose of making a census of the number of persons belonging to each different denomination of Christians in every parish in Ireland, implied an approbation by the Government of the principle of proportion. He could not agree with his right hon. Friend that that Commission implied any such thing. That Commission had been appointed to ascertain—what? The number of persons belonging to each different sect in every parish in Ireland. For how was it possible, without ascertaining that number, to ascertain whether the living was or was not a sinecure in the hands of the incumbent? And without ascertaining that point, in each single parish, how was it possible to ascertain whether the whole establishment of the Church did or did not deserve to bear the name of a sinecure? He denied that the appointment of the Commission implied approbation of “proportion.” He asserted further, that he had never in his communication with the late Government heard anything like approbation of “proportion.” It was not for him to declare then what principle it was that the late Government intended to establish; all that he should say was, that by that Government the principle of proportion had never been avowed. His right hon. Friend had further said, that in a former Session he had screwed up his courage to agree to the suspension clause in the Church Temporalities’ Act; but that having done so, he could go no further. Now it was fitting that the House should know how far it had already gone in the appropriation of the revenues of the Church of Ireland. Did his right hon. Friend know—he supposed that his right hon. Friend did—how far the House had gone in the 116th clause, which gave the Commissioners power to suspend the appointment of a clerk to any benefice where divine worship had not been cele-

brated for three years? Did his right hon. Friend know that the tithes and profits of such benefices were vested in the Commissioners, and were to be paid into the general fund under their administration? Did his right hon. Friend know what had been done under that clause? He could say from papers then on the Table of the House, that 40 benefices, but those of no very great amount, had already fallen in under that clause. Let not the House suppose that he undervalued the benefit of the principle contained in that clause—no such thing—it was a principle which he thought would serve very usefully as the basis of future operations. That principle, the principle of the Irish Church Temporalities' Act, was at once expansion and contraction. It contracted in some instances, but expanded more, and its only fault was that the expansion had not gone further. The hon. and learned Member for the University of Dublin, who addressed the House last night, had made some statement with regard to the finances of the Church of Ireland which had caused him great surprise. The hon. and learned Member had said that they did not exceed 541,000*l.*, and that when the tax to which benefices were not now liable was deducted, they would be short of 500,000*l.* Now, he must object to the amount of the deduction which the hon. and learned gentleman had made—it was much exaggerated; instead of amounting to 41,000*l.*, it would not be more than 22,000*l.* or 23,000*l.* It was worth while for the House to consider what was the amount of Irish Church property. That amount could be ascertained from various Parliamentary papers then on the Table. It was not far short of, if it did not amount to, 800,000*l.* He said yes. Ministers' money had never been included in the calculation, and that amounted to 12,000*l.* or 14,000*l.* [An *Hon. Member* said, 20,000*l.*] Well, this 12,000*l.* or 14,000*l.*, or 20,000*l.*, was to be added to the 791,000*l.* mentioned as the amount of Church-property by his noble Friend, and thus it came out at last that it exceeded 800,000*l.* As any calculation which did not include the amount of the Perpetuity Fund would be incorrect, the amount of that fund, when carried to the general fund, would still further increase the sum total. For if the House would only examine the purposes to which that fund was to be applied, it would see that it was an Ecclesiastical fund under the administration of Ecclesiastical Commissioners. He asserted

then that the amount of Irish Church-property exceeded 800,000*l.* His hon. and gallant Friend said no; and he would soon have an opportunity of showing whether his contradiction were correct. [An *Hon. Member*.—"You forget the deduction made by the Tithe Bill."] He was aware that the Tithe Bill would impose a charge upon Church-property; but then it should be recollected that the Tithe Bill was not yet law, and he was speaking of the Church as it existed at present. He was aware that the Tithe Bill, when passed, would make a deduction of 25 per cent. When the Tithe Bill of last Session was before the House, he had stated—and unquestionably, at that time, it was his opinion—that the Appropriation Question ought not to be discussed until the law had been enforced, and the property realized. The last occasion on which a Tithe Bill had been brought forward without a clause of appropriation was in the last Session of Parliament, and the efforts made by the Members of the present Government to defeat that measure had prevented the question from being ever brought forward again, without settling the Question of Appropriation. Once more he would repeat that the revenues of the Protestant Church of Ireland exceeded 800,000*l.* The hon. and learned Member for the University of Dublin said, that they only amounted to 541,000*l.* Now if there were this wide difference in the estimated amounts of them, could there be a stronger case made out for inquiry? and not only for inquiry, but for a sweeping and extensive Reform? But was the House so much in the dark upon this subject as some hon. Members were pleased to represent? No such thing. The revenues of the Archbishopsrics and Bishopsrics were stated in a report presented to the House last year—so were the rents, profits, and emoluments of all Collegiate Churches, Prebendaries, Canonries, and other small sinecures. The amount of Tithe Composition was also before Parliament, it was not quite accurate, but still, with the exception of a small amount, it was correct. The amount of glebe was also ascertained in several Parliamentary documents. These facts were already all ascertained. The right hon. Gentleman opposite, in speaking on the Irish Tithe Bill the other night, had stated that never was there a more fallacious statement than that which had gone abroad as to the amount of revenue in the hands of the Ecclesiastical Commissioners to meet the

payment for Vestry Cess and other purposes. The amount of revenue which the Commissioners would be entitled to receive would be about 91,000*l.* The hon. Member opposite asked when? As the lives of the holders of the abolished Sees fell in. They would fall in, and it could be proved at no very distant date, as the lives of the Bishops who held the Sees to be suppressed were extremely advanced. Four had fallen in already. It had been said, that the Vestry Cess which the Ecclesiastical Commissioners had to pay would amount to 70,000*l.* a-year. Now, the fact was, that it would only amount to 31,000*l.* a-year. The annual repair of the churches of 1,250 benefices at 20*l.* a church—which would be more than was requisite in future years, when the churches were put into repair—would be somewhere about 25,000*l.* and the expenses of the Commission would be about 6,000*l.* more. He would now proceed to calculate the amount of the saving which would accrue from the Bishoprics after the lives had fallen in. It was stated in the summary of the first report on Irish Church affairs that the gross amount of Archbishop and Episcopal revenues in Ireland was 151,000*l.* Now the amount of the revenues of the Bishoprics suppressed was 51,000*l.* Cashel and Tuam raised it to 59,000*l.* The excess of the revenue of the Sees of Armagh and Derry would raise it to 71,400*l.*; so that the whole amount of the Episcopal revenues, after the reduction, would be 80,460*l.* This would give to each right rev. Prelate of the Irish Church an annual income of 6,000*l.* or 7,000*l.* The amount would be more near the latter sum than the former. The House would recollect that a Commission had been issued for the purpose of inquiring into the state of the English Church Establishment, and the Members of that Commission recommended that where the income of a Bishop was as much as 4,500*l.* no increase should take place; and that where the income was not more than 5,500*l.* no diminution should be made. Now, if that sum was thought a sufficient income for an English Bishop, who had a palace in the country to maintain, who had to visit the different parishes in his diocese—to keep up an establishment in London during half the year, for the purpose of enabling him to attend to his duties in Parliament—was it not obvious, that, according to the same principle, a very material diminution might be made in the income of the Irish Bishops? He was unwilling to ex-

press any opinion as to what might be a sufficient income for an Irish Bishop; but it was quite clear that the revenue of the Prelates in Ireland might be subjected to considerable reduction. Then there were a number of Church sinecures, such as Deaneries for instance, which contributed nothing to the efficiency of the Establishment. There would be no difficulty in showing that, without the slightest injustice to the Irish branch of the English Church, a saving might be effected under that head of 20,000*l.* or 30,000*l.* Yet this was but a small amount compared with what might be saved from the suspension, not to say extinction, of the numerous benefices in Ireland, which had neither any Protestant Church nor congregation, or in which the Protestant congregation was so small as to impart to the benefice very much of the character of a sinecure. He confessed that he felt greatly concerned and surprised when he heard his right hon. Friend, the Member for Cumberland, after all that had passed in the Cabinet of Lord Grey in respect to the preparation of the Irish Church Temporalities' Bill, express the opinion which he had done on the abstract proposition of the inalienability of Church property. From him, of all men, he should not have expected to have heard such a doctrine. It was singular to see his right hon. Friend, who had stretched his conscience to swallow the camel of the abolition of ten Irish Bishops, and of the vestry cess, straining at the gnat of regulating the benefices partaking of the nature of the sinecure. Laying aside all question as to the difference of religion, who would be bold enough to assert the monstrous principle, that it was not possible for the Temporalities of the Church to be greater than necessary for the wishes of the people, or the safety of the Establishment? Who, in reference to the Temporalities of the Church of Spain, of the Church of Portugal, would maintain that they were inalienable? But if they were alienable in one country, they must, on the same principle, be equally alienable in another. The House would bear in mind that he was now arguing the Question apart from all reference to the existence of two religions. Who, he repeated, would ever be found to maintain that the Temporalities of the Churches of Spain and Portugal were not greater than necessary? But, compared with the spiritual wants of the Members of those Churches, were the Temporalities more disproportionate than

the Temporalities of the Irish Church? If the Temporalities of the Church were inalienable, on what principle could the property of the Crown be meddled with, by what principle could the revenues of the one be considered more disposable for the benefit of the people than the revenues of the other. The inalienability of Church property was a phrase which Churchmen in former times industriously disseminated through the country, with the view of giving to the possession of that property the character of an ancient tenure, the authority of which men could not dispute. The people in this country at the present day paid homage to no such principle. They revered the King and respected the Church; but they revered the one and respected the other only for the advantage which the country derived from them. It must be clear to every one who had studied the facts of the case, that the Question of Appropriation was the real foundation of all those disputes which had obstructed the progress of improvement in Ireland, and created continual alarm in this country. For the purpose of showing that the Question of Appropriation was really at the bottom of all those disturbances which had so frequently occurred in the other country, he begged to call the attention of the House to two facts. An act was passed in the reign of George 4th, which relieved, under certain regulations, the poorer classes of Roman Catholics from the payment of tithe, yet from that time to the present the collection of tithe continued to be resisted. It might be said, that if a compulsory measure of Tithe Composition had passed, this resistance would have diminished, but the fact was, that the fiercest disputes occurred in those parishes where the composition was effected. The county cess in Ireland was far more onerous and unequal, and, like the tithe, it was levied from the poorer classes of the occupying tenantry: but a general resistance to that impost was never sanctioned by public opinion among the poorer classes of Ireland. The question, then, of Appropriation was at the bottom of the opposition which was shown to the payment of tithe. Were not frightful affrays which had occurred at Newtownbarry, Middleton, and various other places, so many evidences of the impracticability of the reformation in Ireland? The statements made by the present Secretary for the Home Department, when Secretary for Ireland, by the noble Lord, the Member for Lancashire, by his right

hon. Friend opposite (Sir H. Hardinge) what did they all show but the impracticability of enforcing the Reformation in Ireland? The statement which he (Mr. Littleton) made last year in that House, was an epitome of all cases of a similar character; he alluded to the case of Mr. Lock, who, though aided by the police and a large military force, for seventy days, was unable to collect more than 4*l.* out of a sum of 3,000*l.* which was due to him on account of tithe. His hon. and learned Friend, the Member for the Tower Hamlets, had alluded to the pecuniary sacrifice which the House had been called on to make to maintain the Protestant Establishment in Ireland. The Legislature had at various times made considerable advances for that purpose. At the request of the noble Lord, the Member for Lancashire, it had consented to grant 60,000*l.* to the clergy of Ireland; and no less a sum than 20,000*l.* was expended in collecting tithe to the amount of 12,000*l.* Since then the Legislature had advanced a million of public money to the Irish clergy, and the whole of that sum would have been recovered if the Tithe Bill proposed last year had been passed into a law. It was now, however, proposed that that sum should also be given up. But, besides mere pecuniary considerations, there were other considerations of a most important character in reference to the peace and security of Ireland, and the connexion of the two countries. Let the House consider what had occurred in Ireland since the last Session of Parliament. In the month of September processions of Orangemen had taken place, headed by clergymen, who, on such occasions, had acted but little in conformity with the character of their spiritual calling. Meetings had likewise taken place at Dublin and other places in Ireland, where language had been held and principles expressed, as inflammatory, if not more inflammatory, than he had ever before heard proceed from any party whatever. In Cavan, the sheriff had convened a meeting—composed of whom?—of the inhabitants of the county, or of any class known to the laws?—no, but of persons belonging to one religious sect. He believed that such a proceeding was unprecedented. The Protestant Lord Lieutenant and Sheriff of Louth had acted in the same way, having taken on himself to convene a meeting of Protestants only. If this were permitted, what was to prevent any Roman Catholic Lord-Lieutenant from convening a meeting

of Roman Catholics? Any Magistrate in a county had as much right to convene a meeting as the Sheriff; and if the Sheriff of Louth was entitled to convene a meeting of Protestants, any Roman Catholic Magistrate was as fully empowered to convene a meeting of Roman Catholics. Some Gentleman cried out "hear, hear!" Would, then, that hon. Member have had such a course pursued? He could assure the House that the Government had the greatest difficulty in repressing the fury of the Roman Catholics, which was excited by what passed in Ireland. This had only been done by the greatest exertions on the part of the Government; but if the Roman Catholic Magistrates had followed the example of the Protestant Sheriff, and convened meetings to be composed only of persons of their own religious persuasion, the most frightful and sanguinary collisions must inevitably have taken place. What was the sentiment expressed at the meetings to which he had alluded? A determination to resist the intentions of the Legislature. In consequence of this unfortunate state of things, the inhabitants of Ireland were continually sleeping on a volcano. They had been told that there were honest and just modes of discussing the present question; but the best mode, in his opinion, of putting its merits to the test, was that suggested by the noble Lord, the Member for Northumberland. Let Englishmen make the case of Ireland their own. Imagine a community ten-elevenths of which were English Protestants; imagine that body of Protestants composed principally of small farmers and peasantry, zealously devoted to the Protestant faith, and, despite of their poverty, building by subscription their own places of religious worship, and providing out of their own means for the maintenance of their clergy, to whom they were honourably attached. Then, imagine a supreme Legislature, composed of Roman Catholics, sitting in Dublin, combined with Roman Catholic landed proprietors in England, maintaining over the people a splendid and expensive Catholic Church Establishment, would they, the English, be reasoned into affection for that Establishment by the arguments that they and their ancestors had for a period of 300 years lived under it—that it took nothing of what belonged to them from them—that it accorded toleration to every religious sect—and that there was nothing in the superior dignity of the established hierarchy that ought to excite envy, or be

considered offensive to reason or national pride? He knew not how the spirit of Englishmen would reply to such an argument; but he asked the House, was not the case which he had pictured similar to the actual condition of Ireland? The Reformation, as he had often said, had never taken effect in Ireland. As a Protestant, he deeply lamented that such was the case. Every year for the last 300 years, had afforded practical proofs of the impossibility of carrying the Reformation into that country; yet for the last 300 years it had been endeavoured to maintain the questionable authority of the Protestant Church, there by force and every description of arbitrary power—by proscription—by the confiscations of land—by the disinheritance of Catholics—but all in vain. The Roman Catholics had baffled and defeated their oppressors. They had succeeded, not always without having recourse to arms—and sometimes by public discussions scarcely less alarming—in re-conquering by degrees all their civil rights—which had been conceded to fear and necessity, and in no instance to justice, or to enlarge and sound views of policy. And what had been the result? The Roman Catholic clergy had gone on, always thriving best under persecution, and increasing their influence over the people; while there had been implanted in the breasts of the ill-educated peasantry of Ireland a hatred to the English Government and Legislature much more intense than hon. Gentlemen opposite were inclined to believe. What other country in Europe could be named in which the Temporalities of the Church were given to a decided minority? In the Lutheran countries of Europe, a legal provision was made for the Ministers of every other religion. Such was the case in Holland; there the Government tolerated and paid the Ministers of all faiths equally. In Catholic Belgium a splendid instance of liberality had recently been afforded. In the Belgic budget for this year, a vote was taken for the erection of Synagogues for Jews. Moreover, a grant of 10,000 francs had been passed, for the purpose of establishing Protestant chapels in that country, and paying Ministers of the Church of England. This had been done on the principle that the Government were bound to see that the English who resided in Belgium and contributed to the benefit of the State had the opportunity of enjoying, by the aid of the State, the consolations of religion. In Saxony, there were four

religions (the reigning family professing the Roman Catholic faith), all of which were equally provided for, and care was also taken to diffuse a liberal education among the people. In Prussia and in the Rhenish provinces the same liberality was observable. He begged also to direct the attention of the House to the state of Scotland. In that country the dogged spirit of Presbyterianism had enabled the people to withstand all the attempts of the Stuarts to establish episcopacy. Since then it had been the policy of every Administration to conciliate the affections of that country, and in the present Session the King's Speech recommended the Parliament to consider by what means the benefits of the Scotch Church might be more extensively diffused among the poorer classes of the population. It was in consequence of the people of Scotland being attached to their Established Church which made that country present a spectacle of peace and industry, constituting her a great source of moral and physical strength to the Empire. As the present Question had now been fully debated in all its points, he should consider it unpardonable on his part to trespass longer on the attention of the House; but he could not, consistently with his sense of duty, or with those very strong feelings which had controlled his mind on this subject ever since he had had the power of reflection, refrain from stating his opinion respecting the present Question; and he begged leave to remind the House that he contended for nothing more than this—that after the most ample provision was made for the existing wants of the Protestant population in Ireland, after the most ample provision was also made for extending the Establishment wherever its extension would be justified by the existence of a congregation, the remaining revenues should be managed in a manner not only not offensive to the great majority of the people of the country, but compatible with the general improvement of all classes of the community.

Sir Henry Hardinge said, that if he had felt alarm and apprehension at the Resolution proposed by the noble Lord, the Member for Devonshire, that alarm and that apprehension were much increased, if he was to believe that his right hon. Friend, the late Secretary for Ireland, had spoken the sentiments of the Gentlemen with whom he was connected. He said so, because most of the arguments used by his

right hon. Friend, did not go to change the appropriation of Ecclesiastical revenues in Ireland, but to the entire destruction of the Protestant Establishment. Of all the Gentlemen who had addressed the House, in the course of this debate, his right hon. Friend had gone farthest in establishing, both the voluntary principle as to religion in general, and to the subversion of the Protestant establishment in particular. He had even suggested that it would be proper for this House to pass a vote to aid in building a synagogue for the Jews.—[Mr. Littleton: I said nothing of the kind.]—Why, then, had his right hon. Friend introduced the subject; and why had he urged it as a claim of merit for the Belgian Government, that it had granted money to the Jews, and to the ministers of other religions, unless he meant the inference to be drawn that such conduct was worthy of imitation, and that as soon as possible we should imitate it? It was not his intention to discuss the abstract point of the principle of appropriation, for it had been done much more ably than he could pretend to do it. All he should do, therefore, would be to contribute his share in the debate, by giving such details with respect to the revenues of the Irish Church as would show that his right hon. Friend was mistaken in his assumption of their amount. The hon. Member for St. Alban's had stated the revenues of the Irish Church to amount to 900,000*l.* per annum, and his right hon. Friend had stated it at 800,000*l.*, but both were in error. The documents he was about to quote to the House on the subject, had been transmitted to him within these forty-eight hours by the Board of Commissioners, and would have been laid upon the Table of the House, had some calculations necessary to their perfection been completed. It appeared that as the revenue of the Church stood four years ago, it did not exceed 720,000*l.* or at most 730,000*l.* But he contended that it was not fair to argue upon what was the revenue of the Church three or four years ago, but upon what it would be under the operation of the Church Temporalities' Act of the noble Lord, the Member for Lancashire, and of the Tithe Bill before the House, which would have a similar effect in reducing the revenues of the Church, as that which his right hon. Friend himself introduced last Session would have done, had it been carried into execution. He found by the Report in his hand, that the Church Temporalities' Act would cause a

reduction in the revenues of the Church of 59,000*l.* per annum; the future tax on the clergy a reduction of 22,000*l.* per annum; and the deduction of twenty-five per cent. on the Bill before the House, a reduction of 136,000*l.* per annum. In these items was to be added a sum of 22,000*l.* by the reduction of prebendaries, and other sinecures of that description, and a loss of ten per cent. on re-investment in land, after redemption, which, with expenses of collection and law charges, would make 54,000*l.* The whole of these reductions, which were to take place by Act of Parliament, amounted to about 293,000*l.* He defied his right hon. Friend to show that there was any inaccuracy in this account, which was supplied to him by the Ecclesiastical Board in Dublin, and which he should assuredly lay before the House. If these sums were deducted from 730,000*l.*, the amount of the Ecclesiastical revenues in Ireland, four years ago, there would be left a sum of about 437,000*l.* He was safe in asserting, therefore, that the whole of the revenues of the Irish Church could not exceed 450,000*l.* and that included a credit of 63,000*l.*, for glebe lands attached to different benefices. He would illustrate, in the case of all livings, what would be the operation of the different measures passed, or to be passed, for the regulation of the Church of Ireland. He would take a living of 1,000*l.* per annum. According to the Bill now in the House, twenty-five per cent. would be deducted from this living. That would be 250*l.* The loss by reinvestment might be taken at five per cent., making 37*l.* 10*s.*; the curate's salary would be 75*l.*; the tax at $7\frac{1}{2}$ per cent., would be 45*l.*—making altogether 407*l.*; which, deducted from a reputed income of 1,000*l.*, would leave the clergyman 593*l.*; from which, moreover, ought to be deducted, the expense of the repairs of the glebe-house, and various sources of outlay imposed upon a clergyman by his profession. When, therefore, the Church Temporalities' Act came into operation, and the Tithe Bill before the House was passed, there would be a deduction of one third from the incomes of the larger livings, if not of one-half. With respect to the surplus income, of which his right hon. Friend had spoken this year as well as the last, nothing could be more fallacious and delusive than the statements he had made with respect to it. His right hon. Friend had stated, that there was a fund of 90,000*l.*, out of which repairs and other

expenses might be defrayed; but he pledged himself to show, from the Report he had received from the Ecclesiastical Commissioners within these forty-eight hours, that there was no foundation for any such statement. According to that document, the present income which the Ecclesiastical Commissioners, derived from the suppressed sees, was 19,477*l.*, whilst their permanent expenditure was 69,412*l.* per annum, or in round numbers 70,000*l.* This, of course, left a deficit of 50,000*l.*, and, to make good its payments, the Board had been already obliged to borrow 100,000*l.* It was supposed, however, that there would ultimately be a further income from suppressed bishoprics of 41,000*l.* per annum, which, with 22,000*l.* odd from the tax on the remaining bishoprics, and the 19,000*l.* odd of actual income, would give a total future income to the Commissioners of 83,000*l.* This was the fund from which his right hon. Friend hoped to draw 90,000*l.* But calculating the probable duration of existing interests, before the expiration of which the Board would not be in possession of its full income, it must by that time be 174,000*l.* in debt; and according to the calculations of Mr. Finlayson, the actuary, it must be 51 years from the present time before the Board could be out of debt. No one, therefore, could reasonably count upon any available income coming into the hands of the Commissioners. Did his right hon. Friend recollect that he had last year spoke of the Ecclesiastical Commissioners having a fund of 91,000*l.* in hand.—[Mr. Littleton: I did not say so.]—As his right hon. Friend denied having made the statement, he would only observe, that it was clearly a fallacy to suppose that this fund could be kept clear of incumbrances. His right hon. Friend, however, certainly stated last year, that he expected 30,000*l.* interest from the Perpetuity Purchase Fund; but, in point of fact, there was no such fund. It was as much a delusion as the other fund. What was the state of the facts? Why, that the tenants of the Bishops had permission to buy up their leases; 50,000*l.* had been received on that account, and, perhaps, 80,000*l.* more might be expected; but no more, as the tenants for the most part had no pecuniary interest in the transaction. There was not, therefore, the smallest likelihood of the sum estimated by his right hon. Friend last year, being obtained from that source. He would beg to take this opportunity of correcting another statement of his right hon. Friend equally extrava-

gant. His right hon. Friend had said, that if the Bill he advocated in August, last year, had passed, the clergyman would have had his tithes, and the million loan would have been repaid. Now, what was the fact as appeared on the face of that very Bill? So little idea or intention had the Government, last year, of getting repayment of the million this year, that the Bill enacted that the payment of the instalments on the million should not commence till the month of November, 1835. Had he not then strong ground for saying, that it was never intended to get back the million. But there was another view which might be taken of the Bill of August, so praised by his right hon. Friend, but to the parentage of which the hon. and Learned Member for Dublin could lay some degree of claim. If it had been carried into effect, the annual sum to be paid to the clergy and to the lay impropiators, would have been 666,000*l.*, and the difference between the rent-charge of 77*l.* 10*s.* on the landlord, and the full 100*l.* due (short five per cent. allowed for the expense of collection), amounting to 17*l.* 10*s.*, was to have been paid by the nation. But had his right hon. Friend, had the House, any notion to what this payment to the tithe-owners by the public would have amounted? It would have been no less than 136,000*l.* per annum, which had been calculated by Mr. Finlayson as equal to a gross charge of 3,195,000*l.* Although the noble Lord, the late Chancellor of the Exchequer had said, that he thought the charge to the country might for some years be 20,000*l.*, putting it to the House, if they would not purchase peace in Ireland by that small sum. Having thus pointed out the delusions under which his right hon. Friend appeared to labour, he should proceed to address himself for a few moments to some of the observations that had fallen from the hon. and learned Member for Tipperary. The hon. and learned Gentleman, in his speech of last evening, made a statement with regard to the Archbishop of Armagh, by which he led the House to suppose that the right rev. Prelate had an income of 17,000*l.* a-year, and that he would eventually have 6,000*l.* a-year more, making in the whole an income of 23,000*l.* a-year. That appeared to him so very extravagant a statement, that he had made a point that morning of inquiring what the real state of the case was; and he found, that so far from 23,000*l.* a-year being the net income of the right rev. Prelate in question,

14,494*l.* was all that it amounted to, of which 4,500*l.* would shortly be reduced, in compliance with the measure which had not long since received the sanction of the Legislature. The actual sum, therefore, to be eventually received by the right rev. Prelate, instead of 23,000*l.* a-year, would, in point of fact, amount to little more than 10,000*l.* a-year. The ground upon which he (Sir H. Hardinge) made that statement were drawn from the most accurate sources, and he had every reason to know, that so far from the income of the Archbishop of Armagh being increased 6,000*l.* a year, as was stated by the hon. and learned Member for Tipperary, it was actually reduced to the extent he (Sir H. Hardinge) had mentioned, in consequence of the right rev. Prelate's liberality in taking only one-eighth instead of one-fifth of the rent as the fine for the renewal of leases, as was done by the rest of the clergy. If, indeed, it were necessary that he should say anything in vindication of the character of that most excellent Prelate, he might mention that, within the last few years, he had bestowed 3,000*l.* upon a fever hospital, and contributed 8,000*l.* towards the restoration of his cathedral, independent of many other acts of munificent charity which at that moment he (Sir H. Hardinge) would not dwell upon. The right hon. Gentleman, the Member for Staffordshire, had stated, that in his opinion the best mode of settling the affairs of Ireland, and of establishing peace in that country, was at once to come to the appropriation of Church-property, and to the adoption of a popular system of education adding, that in his view of the subject the existing mode of collecting the revenues of the Church, the existing mode of education, and the continuance of tithes in their existing shape, were the causes of all the evils by which Ireland was disturbed. He took a very different view of the subject from the right hon. Gentleman, and accounted very differently for the causes which led to the disturbance of Ireland. He undoubtedly considered that the question of religion, and the mode of collecting tithes, were very material elements in the disturbances of that country; but to say that those disturbances solely arose from religious differences, or from the collection of tithe, was by no means accurate. The hon. and learned Doctor (Lushington) who preceded the right hon. Member for Staffordshire, also stated to the House, that, in his conviction, religion was the cause of the disturbances of

Ireland, at the same time alluding to the more peaceful dominion that the English conquerors held in that country prior to the reign of Henry 8th, when the religion of the two countries was the same. He (Sir Henry Hardinge) denied the fact upon which the hon. and learned Doctor founded his argument, and was prepared to show him from the pages of history, that the same jealousies, the same animosities, the same hatred existed in Ireland before the reign of Henry 8th; and when the conquerors of the conquered (to adopt the learned Doctor's phraseology) were all of the same Roman Catholic religion. Prior to the Reformation, and before religious differences were known, the same feelings of hatred existed in Ireland, and the same descriptions of violence were committed by the stronger party upon the weaker. The hon. Member for St. Alban's (Mr. Ward) had also alluded to the period that elapsed between the years 1792 and 1823, and had quoted the words not only of Mr. Canning, but of the right hon. Gentleman the Member for Cambridge, and of several other hon. Gentlemen upon the other side of the House, to show that the disturbances which occurred during that period were attributable to the differences that existed amongst the people upon points of religion. He would appeal to hon. Gentlemen, who were well versed in the history of those years, to say whether, within that time, the question of tithe or any difference of religion was the real cause of the disturbances by which the country was afflicted. It would be remembered by every one that at the commencement of the period to which the hon. Member for St. Alban's referred, the French revolution had just broken out; and it would also be remembered that the disturbances which then arose in Ireland originated not with the Roman Catholics of the South, but with the Presbyterians of the North. That was a well ascertained point of history. Every Gentleman recollected the very interesting memoirs of Wolfe Tone, and of Lord Edward Fitzgerald: in these memoirs it was distinctly shown that the disturbances which broke out in Ireland at the period referred to did not originate in the collection of tithes, or from any religious differences, but from the attempt that was then made to erect Ireland into a republic. From the year 1799 to the end of the war, the disturbances in Ireland were few. During that period rents were high, the produce of farms sold at a high rate, the country was tranquil, and

the people comparatively happy;—yet tithes were collected—the same religious differences existed. In the years 1823 and 1824, when his right hon. Friend (Mr. Goulburn) near him was Secretary for Ireland, an insurrection of a very formidable character broke out in that country; and the nature of that insurrection was such, that a Committee was appointed by the House of Lords to endeavour to ascertain the cause of it. The Committee prosecuted its inquiries to the furthest extent—it probed the matter to the bottom; and what was the result—to what cause did it attribute the disturbance? Not to the collection of tithe—not to the existence of religious difference of opinion; but almost universally to the poverty and distress of the people, and particularly to the want of employment. He might also refer to the evidence of General Bourke upon the same point. That gallant officer, in alluding to the state of Ireland, distinctly stated, that so far from religion being any part of the cause of disturbance in Ireland, he looked upon the distress of the people as the sole cause. Mr. Barrington stated the same thing; and indeed he might quote the opinions of all the gentlemen connected with Ireland who were examined before the Lords' Committee—they all declared that the disturbances of the country were attributable not to religious differences, but to the great poverty and distress of the people. Judge Day was asked: "Have the disturbances in Ireland arisen from religious differences?" What was the learned Judge's reply? "The recent disturbances in Ireland have not had any thing to do with religion." He was asked again: "In what cause did they originate in your opinion?" Let the House mark the reply. "In the poverty of the people." He (Sir Henry Hardinge) would not detain the House by reading any further extracts from the evidence given before the Lords' Committee; but the whole of it went to prove, that so far from the disturbances which vexed the peace of Ireland in the years 1823, 1824, and 1825, arising from religious discord, they were solely to be attributed to the poverty and distress of the people; and above all, to the general want of employment. From the year 1825 to the present period, with the exception perhaps of the last three or four years, comparative tranquillity had prevailed in Ireland. He asked the right hon. Gentleman, the Member for Staffordshire, whether during the time that he was in Ireland, and

had the same opportunity that he (Sir Henry Hardinge) had enjoyed, of referring to authentic documents, he did not see something very extraordinary in the position in which that country stood. He (Sir Henry Hardinge) had called for returns of the outrages that had occurred in Ireland during the last three years. He had called for a return of the number of outrages that had occurred within that period in four of the northern counties, and in four of the southern counties, and he had also desired Sir William Gossett to ascertain as far as possible, in what the outrages had originated, and in what they resulted. The return had been made, and he found that, whilst in four southern counties, where the population amounted to 990,000, the number of outrages in the year 1832 was 1,795; the number of outrages in the four northern counties, where the population was nearly as great—being 896,000—was only 184. Again he found that during the three years there were, in the four southern counties, no less than 219 outrages against the person; whilst in the four northern counties there were only 36. Not to weary the House by going through the whole of the return, he would shortly state that the result of it was to show that, in 1832, the number of outrages committed in the four southern counties, as compared with the four northern counties, was 9 to 1; in 1833, 7 to 1; and in 1834, 3 to 1. He asked any hon. Gentleman who attributed the disturbances which existed in Ireland, not to the poverty of the people which was much greater in the south than in the north, how he accounted for the comparative quiet of the north, whilst in the south outrages and violence prevailed to so great an extent? He (Sir Henry Hardinge) contended that the fair inference to be deduced from the disproportion of outrage in one part of the kingdom as compared with the other was, that it originated not in religious difference, but in the unfortunate circumstances of great poverty, great distress, and great want of employment. He made these observations merely to prove, according to his views of the case, that although the question of tithes for the last three years had been a most material element in the disturbances of Ireland, yet that it was not the sole cause—that there were other elements at work, and that the chief evil of the country was the poverty of the people and the general want of employment. Seeing the right hon. Baronet (Sir J. C. Hobhouse) the Member for Notting-

ham in his place, he begged for a moment to refer to an observation that fell from the right hon. Baronet in the course of his speech last night. The right hon. Baronet stated that, in his opinion, the present was a most proper question to bring forward, that he hoped no factious opposition would be extended to it by the Ministerial side of the House and, above all, that the cry of "No Popery" might not be raised. Now he (Sir Henry Hardinge) begged to remind the right hon. Baronet, that he (Sir Henry Hardinge) had, on every occasion in which the opportunity had been afforded to him, voted in favour of Catholic Emancipation, and done everything in his power to support and maintain the claims of the Catholics. In the next place the right hon. Baronet observed, that if the Government of Lord Melbourne had remained in office they would have brought forward a measure in which, in his opinion, the principle of the present motion would have been embodied. Now, the right hon. Baronet would of course allow Lord Brougham, the Lord Chancellor of the late Administration, to be an authority upon that point. If Lord Brougham were a member of the late Administration, as the right hon. Baronet would of course admit, where he (Sir H. Hardinge) begged to ask, was the harmonious Cabinet of which the right hon. Baronet spoke in such warm and confident terms? If Lord Brougham, who of course knew very well what he was stating, made the declaration that was attributed to him in the month of August, it would certainly be difficult to account for the perfect harmony which the right hon. Baronet assured the House existed in the Cabinet in the month of November. On the 11th of August last, Lord Brougham, in reply to some observations from the Duke of Cumberland upon the subject of the Irish Church Commission, said, that "the illustrious Duke had correctly noticed the observations that had fallen from him on a former occasion, with one exception. He had stated that he would not expend one farthing of surplus, if there were a surplus of Church revenue, for any except Ecclesiastical and Protestant purposes. Now, he had spoken of Protestant purposes, in contradistinction to devoting any part of it, be it ever so small, to the support of a Roman Catholic hierarchy. When he spoke of Ecclesiastical and Protestant purposes, it was to prevent its being supposed that he contemplated giving assistance to a Roman Catholic hierarchy at the expense of the

Protestant Church. He had stated most distinctly, that whether there were any surplus to take, or whether, on the other hand, the Church might not want some additional support, they must wait to ascertain the fact until the result of the inquiry that had been set on foot should be known. If it then happened, he had observed, that there was a surplus unappropriated, it should first and foremost, before any thing and every thing else, be applied to Ecclesiastical purposes. The wants of the Church must first be supplied.* The noble and learned Lord continued to observe, that "he had followed that up by stating that those wants being provided for, any residue should be appropriated to a purpose which, though not strictly Ecclesiastical, was yet connected with the welfare of the Established Church, namely, the affording education."† ["*Hear, hear!*" from the Opposition.] Would hon. Gentlemen curb their impatience for a moment, and allow him (Sir Henry Hardinge) to complete the sentence—"namely the affording education on the principles of the Established Church. Further than that he (the Lord Chancellor) had not gone; and he had stated that every controversy of this nature was premature, because the question might never arise, and there was no wisdom in a practical legislature discussing hypothetical cases."‡ If it were necessary, he (Sir Henry Hardinge) could quote another statement of the noble and learned Lord, expressing the same sentiments in still stronger terms; but having shown distinctly what the sentiments of the late Lord Chancellor were at no remoter period than the month of August last—having shown that they were completely and diametrically opposite to those entertained and expressed by the hon. Gentlemen who supported the Motion of the noble Lord the Member for Devonshire—he thought he was justified in stating that the right hon. Baronet the Member for Nottingham was completely in error when he declared that the late Cabinet was perfectly harmonious in its views upon this as well as upon all other subjects. Much as he apprehended mischief from the measure now brought forward by the noble Lord, he must say that, in his opinion, the severest animadversion that could possibly be passed upon it was uttered by the hon. and learned Member for Cork (Mr. F. O'Connor), in his speech of last evening. The

hon. and learned Gentleman stated that the majority of the House, if they passed the Resolution at present under their consideration, would justify not merely the agitation of the Tithe Question, but the actual resistance to tithes that had taken place during the last four years. Considering that the noble Lord was a member of the Government whose measures were applied to Ireland during the last four years, he (Sir Henry Hardinge) confessed he could not conceive a severer animadversion than that which had escaped from the hon. and learned Member for Cork. Upon all these grounds, he (Sir Henry Hardinge) maintained that the measure now before the House was one pregnant with mischief to the future welfare of Ireland; that it was one which never could be carried into effect without running the risk of bringing the two opposing parties in that country into the most serious collision; and if once those animosities arose, it was impossible to tell how soon they might be plunged into all the horrors of civil war. The noble Lord was undoubtedly right in the observations he had made with respect to the disturbed state of Ireland; but whose fault was it that the country was placed in such a dilemma? Had not the noble Lord who introduced that measure been the first to lead the attack upon the Established Church? Had he not lighted the first fire-brand by which the Church was to be destroyed? He (Sir H. Hardinge) trusted that any forebodings of his might turn out to be groundless; that he might be completely wrong in the view that he was disposed to take of the subject; but he confessed he had the most serious misgivings, and he hoped that the noble Lord himself, in preference to passing a measure of this description, which must be fatal to the whole establishment, would rather confine his attention to the real abuses of the Church, and limit himself to a measure that should provide for their correction. If the value of livings was various, unequal, unjust, and in some instances too great, let them be equalized; if non-residence prevailed, let it be corrected; if pluralities were discovered, let them be abolished. All this the noble Lord might do; but let him abstain from making an attack upon the Established Church, which, if successful, must be fatal and destructive to the whole Establishment. This was the position upon which he stood. He considered this measure one of the most pregnant with danger that had yet been brought

* Hansard, (third series) vol. xxiv. p. 1135.

† Ibid.

‡ Ibid.

forward ; he opposed it because he thought it must lead to tumult and bloodshed, and he opposed it because he considered it destructive to the best interests of the Church.

Mr. *Littleton* rose to explain. The right hon. Baronet had noticed an observation which he described as having fallen from him (Mr. Littleton), to the effect that if the Tithe Bill proposed by the Government last year had passed, the 1,000,000*l.* granted to supply the immediate wants of the Protestant clergy in Ireland would have been repaid. If he (Mr. Littleton) made that statement, he certainly was in error, because he was aware that no clause was introduced into the Tithe Bill of last year to delay the repayment of the 1,000,000*l.* for a year.

Mr. *Spring Rice* : I had been prepared to thank my right hon. Friend who spoke last for having effected so much, in the course of his speech, towards giving this discussion the character of fair argument ; but I must confess that I am compelled to withhold any expression of satisfaction, seeing that, before he sat down, he felt himself at liberty to alter his tone, and to address himself in terms of unmerited reproach to hon. Members on this side of the House. When the gallant Officer charges my noble Friend, the Member for Devonshire, with being the first to light a firebrand for the destruction of the Church, I will content myself with giving a simple denial to that charge ; because, if I were driven to inquire from what quarter the firebrand was first flung, I might be tempted to err in the same manner which I condemn in the hon. Baronet. But I will not do so ; rather let us discuss this question calmly and dispassionately—let us discuss it for the purpose of trying the simple issue of what is best to be done in the present exigency of affairs ; what is most for the interest of the people of Ireland. Let us discuss this great question without perplexing ourselves with calculations of figures, like those of the right hon. Baronet opposite, upon the strength of which he has taken on himself the tone of legislative prophesy, venturing to assume that the Bill which he has introduced for the settlement of tithes in Ireland can be successful. On this point I must be allowed to express a very serious doubt ; or rather, if I, too, might prophesy, I should say, that the fate of the Bill will be different from that which he expects. Let the influence of the right hon. Baronet, the First Lord of the Treasury, be what it may—

let the strength of the Government be ever so undeniable—let them come down, as they were formerly accustomed, with a majority ever so decided—let the question be discussed the warmest and most violent, or in the most dispassionate and reasonable tone—still I venture to say, that the Irish Tithe Bill can never become law, unless the Question of Appropriation, the very Question that we have now under consideration, be first decided. Can the right hon. Gentleman opposite, really anticipate the carrying of an Irish Tithe Bill, whilst the Question of Appropriation remains unsettled ? All that I will say is, that I believe the late Government, the late House of Commons, and the late Leader of the House of Commons (Lord Althorp), had a sincere and steadfast inclination to act together in concert and confidence ; but yet I am prepared to declare that if Lord Melbourne's Government had approached the Irish Tithe Bill, without having first settled the Question of appropriation, they would not have succeeded in obtaining the approval of Parliament to any measure they might have proposed. Having made this admission, perhaps the right hon. Gentleman may ask me, " How, then, could you have expected to carry through your Tithe Bill of last Session ? " My reply to that question would be, that we expected to carry through the measure, because we were known to be perfectly sincere in our intention of settling this Question of Appropriation, and that the Commission issued was a pledge of that sincerity. Sir, in the present Session of Parliament even the late Government could not have succeeded ; but now, having to deal with a Government adverse to any new appropriation, the successful issue of a Tithe Bill in Ireland is, in my opinion, one of those legislative impossibilities which no man can seriously expect to accomplish. The gallant Officer, in introducing his Bill, declared the other evening that, without a Tithe Bill, the clergy of Ireland were gone.—

Sir *Henry Hardinge* said, the right hon. Gentleman had misunderstood him. He had said, that in consequence of what took place in Parliament, when the Million Act was in progress, the people of Ireland were under an impression that they were no longer to pay tithes ; and that after being called on to pay tithe to the State, which tithe the State found it impossible to levy, it would not be easy for the clergy to obtain tithe from them. He had never contemplated the employment of force.

Mr. *Spring Rice*: The right hon. Baronet admits that he stated the collection of tithes in Ireland cannot go on without the employment of force; and, with the good sense for which he is distinguished, he further admits, that he is opposed to the application of force. Then, unless the House are prepared to differ with him, and to say that the collection of tithes shall for the future go on by force, I am justified by the right hon. Baronet's own admission, in saying, that the collection of tithes in Ireland is at an end. That is a dilemma, upon the horns of which the right hon. Baronet has fixed himself, and from which he cannot escape. Then what becomes of the Church of Ireland? Are the Clergy to live without tithes? To collect tithes is impossible, except upon an impracticable condition. Then what remains to be done? I again tell the right hon. Gentleman, that he cannot expect his Tithe Bill to pass into a law, whilst this Question of Appropriation remains unsettled. The gallant Officer, in alluding to the observations which had fallen from my right hon. Friend (the Member for Staffordshire), attributed to my right hon. Friend two opinions, which are the last to which I think he would have given utterance. The gallant Officer stated first, that the right hon. Gentleman had declared against a Church Establishment; and, secondly, that he was in favour of the voluntary principle.—Nothing could be more contrary to the fact. And what does the right hon. Baronet allude to, as an illustration of what he most singularly termed the voluntary principle? Why, the budget of the King of Belgium, by which Protestants, Catholics, and even Jews, are instructed in religion—at the cost of the State. The right hon. Secretary for Ireland threw out insinuations against the principle of the measure brought forward by the noble Lord, the Member for Devonshire. The noble Lord, and the supporters of his measure, are charged with a disposition to attack the Church, and with a wish to cast fire brands, and to disturb the whole Church Establishment. I will only request hon. Gentlemen, before they take for granted, before they believe all that is asserted with so much hardihood, to take the trouble of referring to the debates that took place upon a Bill which is now the law of the land—the Church Temporalities' Act,—when they will find that there was no reproach, now brought forward by the right hon. Gentleman opposite, which was not urged by them with equal violence on

that occasion. We are now told—as we were then told—that the Bill we seek to bring in is contrary to the Articles of the Union, contrary to the Coronation Oath, contrary to the oath that we ourselves have taken at the Table of this House, and contrary, also, to the principle upon which the Catholic Emancipation Bill was framed. Then, as at present, we were told that we were Republicans—violators of our own oaths, and guilty of calling on our King to violate his. We were told, also, with the same confidence as at present, that we were deserters from the Church, and that we only sought its destruction. But we are not the only persons so charged. Has the right hon. Baronet read a charge very lately made against himself, and against his measure of English Church reform? Is he aware that persons who are supposed to represent the opinions of a great portion of the Church of England, have declared that his measure of Church Reform is “fraught with ruin both to the Church and State.” The writer proceeds,—

“We say ruin, for we no more doubt that the complete overthrow of the Established Church will follow upon the execution of the plan now suggested for its reformation, than we ever doubted that the passing of the Reform Bill sealed the fate of the monarchy. A few years of uneasy existence the Church and the monarchy may drag on; possibly, probably, the latter may endure through the present generation: but both the one and the other are now as certainly doomed, as if a hand had written their downfall on the wall of our excellent monarch's banqueting-room.”

It appears, then, that the First Lord of the Treasury, as well as my noble Friend, is considered a firebrand! Such is the opinion of a newspaper, of which I speak with great respect; it is the opinion of *The John Bull*. I speak of that paper with reverence, because I know it is the organ of the opinions of a great number of grave and venerable gentlemen, who are its chief supporters. I have quoted the passage for the sake of stating the expressed opinions of others,—opinions, however, to which I, for one, certainly cannot subscribe. I do not wish or intend, by alluding to the paragraph, to give the slightest countenance to so very absurd and exaggerated a statement; but I wish to prove that exactly the same charge that is now brought against us, is also brought, and with equal justice, against the right hon. Baronet opposite, when he attempts in any way to interfere with the Church, and when he comes forward to perform his new functions as a

Reformer. We are all exposed to misrepresentation. There are but two courses to be taken; the one is, to hold to things as they are,—the other, to pursue, honestly and unflinchingly, the course of improvement. From those who adopt the first principle, as the writers to whom I have referred have done, the right hon. Baronet, in the measure that he has proposed, with respect to the English Church, must be exposed to all the low and vulgar fallacies with which we have so frequently been assailed. For this I may say, that there is no one argument that has ever been used against us, that may not, with equal propriety, be used against the right hon. Baronet. The right hon. Baronet may be told—"Beware of your associates: we mistrust you because you are supported by the Whigs; we respect you, but we dread your new friends." A more vulgar fallacy than this cannot be employed; but is there any fallacy that has been more frequently employed against us? How often have we, on this side of the House, been taunted because we derived support from Gentlemen who went beyond us in their opinions? If that argument be good for anything when used against the Whigs, it is equally good when turned by Tories against the right hon. Baronet; but, in fact, it is good for nothing, as against either party. To pursue this comparison one step further. The right hon. Baronet may be told, as we have often been told, "Your measure may be good as far as it goes, but we do not know to what it may lead; when you venture to parcel out the kingdom into new Ecclesiastical departmental divisions, it is impossible to foretell to what ulterior measures you may be led, or what principles you may be forced to adopt. However right, therefore, you may be in your first step, we will not accompany you in it, for fear of your second." That is, again, an absurd and stupid fallacy, by which, I am convinced, the right hon. Baronet will not be daunted in the course he feels it his duty to pursue; it is, likewise, an absurd and stupid fallacy, by which we shall not be deterred from what we conceived to be best for the welfare of the empire. The right hon. Gentleman has compared the state of the Church now, as affected by the lately passed Act of Parliament, with the state of the Church as it formerly existed; and he has said, that the Church is in a safer state now, by reason of our late measures, than it had ever previously been. He also added, that he was an ad-

vocate of Church Reform. The Church in both countries—Ireland and England—is admitted to stand in need of revision. The evil complained of is not merely that of non-residence or pluralities—is there not such a word as sinecures, also? I perceive that the right hon. Gentleman acquiesces; he, therefore, is friendly to the abolition of sinecures. Let us, then, inquire how far, in certain parts of the Church of Ireland, such things as sinecures contrive to exist? Upon the showing of the right hon. Gentleman himself, if they exist, I claim his vote for their extinction. [Sir Henry Hardinge.—Hear, hear!] What! do we differ upon the meaning of words? Does the term "sinecure," mean any thing but an office to which no duties are attached? Is an Ecclesiastical sinecure, more a sinecure, because it is a stall of a cathedral, or a deanery, than if it be a parochial preferment, where there are no members to form a congregation? Is it not exactly the same thing? If a dignitary of Christ Church in Dublin receive 1,500*l.* a-year for doing nothing, and if a clergyman in the county of Cork receive 1,500*l.* for doing nothing also, is not the one a sinecure as well as the other? I feel it to be a great disadvantage to discuss this question in the absence of the Report of the Commissioners appointed to inquire into the state of the Church, and of the population of Ireland; but I hold in my hand a Return with respect to about fourteen or fifteen parishes in the diocese of Limerick, some of which are in my own immediate neighbourhood. This Return shews the proportion of the Catholic and Protestant population of those parishes. I will not trouble the House with an enumeration of Irish names, which are not to be repeated either in verse or in prose; but I will state the particulars of the Return without mentioning the names of the parishes. In the first parish there are 625 Catholics, and not a single Protestant; in the second there are 545 Catholics, and not a single Protestant; in the next 495 Catholics, and not a single Protestant; in the next 1,515 Catholics, and still not a single Protestant; in the next the Catholics are 756, but there is no Protestant; in the next there are 531 Catholics, and not a single Protestant; in the next 863 Catholics, still not a single Protestant. Now I come to parishes where there are a few Protestants. In the first of these there are 1,371 Catholics, and 11 Protestants; in the second 1,444 Catholics, and 11 protestants; in the next 1,449

Catholics, and 21 Protestants; in the next 3,450 Catholics, and 15 Protestants; in the next 1,767 Catholics, and 15 Protestants; the next parish contains 1,842 Catholics, and 27 Protestants; the next 4,393 Catholics, and 27 Protestants: in the next there are 5,635 Catholics, and 12 Protestants. Now, some parishes in these Returns are in districts in my own neighbourhood, and, as far as I am able to collect information on the subject, I believe the account to be strictly correct. Thus, it will be seen, that in several of these parishes there are no Protestant inhabitants at all, while, in the others, the disproportion between the Catholics and Protestants is so great, as to be quite overwhelming. This Return relates to the diocese of Limerick. In that of Ossory there are 17 parishes where there are no Protestants; 9 having only two Protestants each, and 2 in which there are but 3 Protestants. I ask is the maintenance of a great Church Establishment in those parishes in which there are no Protestants, a matter either advantageous or creditable to religion, or consistent with the peace and interest of the country? At the same time, I am not prepared to abandon the small minority; nor do those who advocate the most extreme opinions say, that because there are but a few Protestants in districts in Ireland, they are therefore to be deserted, and left without religious instruction. But, as a matter of principle, I cannot be guilty of maintaining that most manifest absurdity, that where, as in the parish of Killeedy, there are but twelve Protestants, the Protestant religion shall be supported on a scale as if it were the religion of all, in preference to the religion of a population of 1,500. I beg again to repeat, that the plan proposed by my noble Friend, does not by any means go, as it has been injuriously stated, to the abolition of the Protestant Establishment in Ireland, it aims solely at proportioning the wealth in that Establishment, to the duties it is called on to perform. The language which I used on a former occasion, has been quoted by the Member for Yarmouth in the course of this night's debate; I do not complain of it. I still adhere to every word, and every tittle of those opinions, which have been thus justly imputed to me. From no main point of those opinions do I depart. I ever will maintain that it is the duty of the House of Commons to support the Protestant Establishment in Ireland; but the House is equally bound not to allow that Establishment to be dispro-

portionate to the duty it is called upon to perform. I would wish to maintain that Establishment in its fulness, and integrity, as far as can be required in reference to the duties which are to be discharged. It is for the House to inquire whether the proportion which now exists, is or is not consistent with the principle I have laid down. It is admitted on all hands, that Church-property is trust property, and that it is the duty of Parliament to ascertain whether those trusts have been faithfully discharged. Such was, and such is my principle. But it must also be conceded as a necessary consequence of this proposition, that if it be the duty of the House to inquire whether a trust is performed, it is equally its duty to enforce the discharge of such trust. This inquiry goes so immediately to the root of the Question before the House, that I entreat the attention of hon. Members, whilst I take upon myself the proof of the proposition—that the Church of Ireland is subject to the trust of educating the people,—that this trust has been on various occasions recognized by the highest authorities—and that, therefore, we are not now advocating any measure of spoliation or of robbery—but one of strict justice, when we require that a proportion of the revenue of the Church shall be applied to the civil education of the people. I hope to prove not only that the property of the Irish Church is subject, by the peculiar law of Ireland, to the trust of educating the people, but that such education comprehends, not an exclusively Protestant education; but the education of all classes of the King's subjects. If I fail in sustaining the latter, as well as the former part of my proposition, I give up the whole argument. I support my noble Friend's proposition, not upon mere general grounds, but upon peculiar grounds, arising out of Irish Ecclesiastical law. And here, before I go into the case, I beg to say one word. If there be any Member of this House, who is afraid of this question as leading to a bad precedent in England, let him but follow me, I humbly entreat him, in the argument I am now about to advance. It is an argument founded upon Irish law, Irish usage, and a state of things existing in Ireland only; and it is perfectly competent for the hon. Member, or for the House, to adopt it, and yet to resist a similar proposition if made in reference to England. Those who have attended to this subject are aware, that in the 28th of Henry 8th,—at a period

when, in point of faith, Ireland was still a Roman Catholic country—an Act was passed by which every incumbent was bound by oath at his ordination, to keep, or cause to be kept, in his parish, a school for the instruction of the parishioners, taking for the same the accustomed stipend. This does not rest upon a naked enactment, but progressive penalties were imposed, and the object of the Statute is set forth to be for the purpose of making the manners of what were then termed, “the wild and savage folk of Ireland,” more conformable with those of civil folk. I will not stop to inquire whether that Act was very faithfully adhered to. There are authorities to shew that to a certain extent it was practically enforced; and in late times, these parochial schools were considerably extended. If there be one individual to whom, more than another, the public are indebted for the enforcement of the Act, it is to the late Lord Primate (Stuart), who applied himself most earnestly to the subject. I shall be able to shew that upon the authority of this Statute, at various times, both in Ireland and England, the property of the Irish Church has been held to be a trust capable of enforcement and of extension at the will of the Legislature; and this, not for the education of any exclusive class, but for the general education of all classes of the people. If this be shewn, and if such be the case, as I contend it is, what becomes of the cry of spoliation—what of the insane denouncement of what is affectingly called the secularization of Church-property? I can prove, if necessary, that the Gallant Officer’s Bill would do more to secularize Church property, than can possibly be effected by the proposition now before the House. The first evidence I shall adduce is a proceeding taken in the Irish Parliament on the 6th of April 1786. In consequence of the Lord-Lieutenant’s speech at the opening of the Session, recommending the subject of education to the attention of Parliament, Mr. Secretary Ord moved certain Resolutions, stating at the same time, “That his object was to extend the means of education at a cheap rate, so that few persons should be excluded from its advantages.” Connecting the general argument with the obligations cast upon the Church, he also moved for an account of the number of diocesan and parochial schools, and the number of scholars educated in each. In the following year the subject was again brought under the consideration of the House, and the Lord-Lieutenant

addressed the Parliament in these words:—“I hope that some liberal and extensive plan for the general improvement of education will be matured for an early execution.” On the 12th of April, in the same year, Mr. Secretary Ord moved his Resolutions, and stated:—

By the Act 28th Henry 8th, the minister of each parish is obliged to teach every child that presents himself for instruction, in the English language—the English language, at the time of enacting that law, being as little known to the peasantry as the language of Athens or of Rome; and, therefore, teaching children to read was not a very trivial duty. Yet, though every minister of a parish is bound by oath to comply with this Act, the only thing done towards carrying it into effect is a commutation of 40s. per annum paid by the minister of each parish. This sum he proposed to take as the lowest rate of contributions from all livings not exceeding 150*l.* from thence to 200*l.* per annum, the contributions should be 3*l.* 2½ per cent, after 200*l.* The same rule of contribution he proposed on lay tithes, and the balance to be raised by rate on the more opulent proprietors of land.

I must admit, that we who discuss this question on these principles, deprive my noble Friend (Lord John Russell) of all the merit of invention; but we give him, on the other hand, the weight of the law, and the authority which I have adduced. The Resolutions passed unanimously on that occasion, were as follows:—

That it is expedient to revise the Act of the 28th of Henry 8th, for the establishment of parish schools, and to make provision for ascertaining a new scheme, and rate of contribution towards their more effectual support and improvement.

That it is expedient to establish, by the aid and authority of Parliament, an annual fund for providing school-houses in every parish and union within this kingdom, a residence for the school-master and for the free instruction of the poor.

Here, then, in 1786, is the principle laid down by no less an authority than the House of Commons, that Irish Church-property may be taxed for the purposes of education. It is true that, in the many rapid changes of Irish Administration—there being “a Secretary with every summer, and a system with every Secretary”—this plan of Mr. Secretary Ord was not carried into effect. But the principle was not abandoned; on the contrary, the principle has been again asserted; and by whom do hon. Members think this principle has been sanctioned in later times? I request the attention of the right hon.

Member for Cumberland, when I enumerate the names of my authorities; the late Primate of Ireland, Archbishop Stuart, the Bishop of Killala, Virschoyle, the Provost of Trinity College, Dr. Elrington, now Bishop of Ferns, the late Mr. Disney, and last, though not least in orthodox principles, Mr. Leslie Foster, now Baron of the Exchequer. These Prelates and Gentlemen state, in the Eleventh Report on Education in Ireland, that:—

The object of the Statute of 1537 (28th Henry 8th,) was the extension of the English tongue, language, order, and habit, with a view that every person should, to the uttermost of his power, use and speak the English tongue and language; and every such person having children shall procure them to use and speak the English tongue and language. And with a view to the general introduction of the English language, it enacts that no spiritual promotion should be given to any clerk, who did not speak English; unless, after a proclamation in the four adjacent market-towns, qualified persons could not be heard of. The statute contained the further enactment of the oath by which each incumbent is bound to keep, or cause to be kept, a school to learn English, taking for the same an accustomed salary or stipend.

The Commissioners add, that the measure was opposed by the heads of the Church, but that, in spite of such opposition, it became the law of the land. They further inform us:—

We now find a custom which has universally prevailed, to allow the schoolmaster 40s. as his salary, a stipend utterly inadequate at present. The present course of instruction in these schools comprises spelling and reading, writing and arithmetic. The schools are open to all persons of all religious denominations.

They further state, that originally the object of the institution was the diffusion of the English language; but, that the parish schools were no longer necessary for that purpose; and they recommended further—what will the House think? We are called spoliators and robbers of the Church, because we presume to think that it is right to apply any surplus that there may be of the Church-property, to the civil instruction of the people; and yet this very Report, adopted too by Archbishops and Bishops, concludes by recommending that:—

It is highly expedient that the contributions of the clergy should be paid with more regularity, and to a greater extent, than heretofore usual. It might not, it is submitted, be deemed unreasonable that they should be

rated at a sum not exceeding 10½ per cent, of their respective incomes, to be ascertained by the Bishops.

In these words are involved the very principle for which we contend. If hon. Members are resolved to be more orthodox than the dignitaries of their own Church, they may object to them and to us. But in so doing, they are exposing themselves to the reproach addressed by some foreign writer to my countrymen—*“Les Irlandais sont plus Catholiques que le Pape.”* But if these Ecclesiastical authorities are rejected, I rest still upon the Resolution of the House of Commons, in 1786, which concluded by recommending a pecuniary contribution from the clergy, being the graduated Property-tax, according to the very words of Mr. Secretary Ord. I have not yet done, for tedious as this detail may be, I would rather weary the House, than by omitting any branch of the subject, leave myself and my friends exposed to the unjust imputation of being spoliators; and that—only because we are not afraid to discharge our duty, and because we would free this unfortunate question from delusions which violence and agitation have cast around it;—and would rescue the Church from the difficulties with which it is beset. I most sincerely wish that it was possible to come to an amicable agreement on the question, with the right hon. Baronet (Sir Robert Peel.) I have often and often urged this view of the subject upon the attention of my friends in private, and I shall still urge it, and shall continue to do so whilst I have a hope of convincing a doubtful mind, or of rescuing one Friend from the unmerited and unjust accusation which has been made against us. I now proceed to further and more recent authorities. It has been said, that during Lord Grey's Government, England was over-run with Commissions, and that it was the favourite course resorted to by the late Administration; but I must take the liberty of saying that the Gentlemen at present in office, young as they are in their vocation, have been in this as, in other respects, fond of imitating their predecessors. Considering their short tenure of office—considering them as young beginners—they have done as much business in the Commission line as we who preceded them, or as any other Administration. But among the Commissions issued by Lord Liverpool, was one, at the head of which were placed Mr. Frankland Lewis, and Mr. Leslie Foster;

the subject of parochial schools came before that Commission. The observations made by them in their Report to which I shall advert, applies especially to the argument, which asserts that the parochial schools were to be exclusively Protestant schools, and not schools for general instruction. The latter is our proposition; for it is our desire that the new schools shall be governed in accordance with the system introduced by my noble Friend, the Member for South Lancashire, who has not, I am sure, abandoned his system, though the friends of the Government have abandoned their opposition. I trust they will be as sincere advocates on the one side as on the other. Never was there so signal a conversion. I can assure the House, in all solemnity, that great as was my satisfaction at seeing the plan of education of the late Administration adopted by the present, my satisfaction was not greater than my surprise. Never was triumph so unexampled or so complete, as when I found that the first school, according to our principle, had been established in England, in Downing-street itself, and that our first scholars, and most promising scholars, were the Members of the present Government. But to return to my argument. In the Report of the Royal Commission of 1825, it is stated that, as 28th Henry 8th, provided, by section 9, chap. 15, "that the priest should bid the beads in English," we may conclude that no alteration had been made in the established form of the Roman Catholic worship, and that the schools which this Act contemplated, could not have been intended to induce any change in religious opinions. This I cite as an additional authority, to prove that the object of these schools was wholly unconnected with proselytism, or exclusive faith—the sole object of the statute being the diffusion of the English tongue. But I have one still more recent authority—that of the late Archbishop of Dublin (Dr. Magee). I had the honour of examining that most reverend Prelate, in the Committee appointed to consider the state of Ireland in 1824 and 1825. The question put to that most reverend Prelate was as follows:—"In the fourteenth Report of the Commissioners on Education, it is recommended by the late Primate, the Bishop of Killala, the Bishop of Cashel, and Bishop Elrington, that the contributions of the clergy should be rated at a sum not exceeding $2\frac{1}{2}$ per cent, on their respective incomes—does your Grace concur in that recommendation?"

VOL. XXVII. { ^{Third} _{Series} }

His Grace answered, that he did; and yet for acting on this principle, so assented to by the Archbishop of Dublin, my noble Friend (Lord John Russell), and those who support him, are stigmatized as spoliators, and as enemies of the Church! Indeed, unless all that I have stated be delusive, we have all these lay and clerical authorities with us on the question of principle. Then our Resolution is no invasion of Church property; for the principle of taxing the Irish Church for the civil education of the people has been over and over again admitted,—in the reign of Henry 8th; by the Irish House of Commons in 1786; and by Commissions and Committees since that time. If it were not spoliation, on the part of those whose authority I have quoted thus to recommend the imposition of a tax upon the clergy for the purpose of educating the people of Ireland, then I contend that it cannot be considered spoliation to support the proposition of my noble Friend. The House may rejoice to hear that I have but one authority more to quote. This last is the authority of a living statesman—a Member of the former, thought not of the present Cabinet. In the year 1813, the then Secretary for Ireland, speaking on the subject of education, made use of these most impressive words:—

The parish schools were established in the reign of Henry 8th, for the purpose of teaching the inhabitants of Ireland the English language; and the law directs that they should be kept by, or at the expense of, the clergyman of the parish. From that circumstance, it appears at one period to have been inferred, that the children brought up in the parish schools were to be educated exclusively in the Protestant religion. But that opinion is exploded, and in point of fact, children of every religious persuasion were eligible to be educated in these parish schools. Every clergyman took an oath to cause to be kept, or to keep such a school.

Then follows a caustic observation—*non meus hic sermo*.

He was sorry to say that this law was very imperfectly complied with.* He had declared in 1811, that the clergy should furnish a part of the funds that would be necessary. He was glad to find that the principle on which he was prepared to act, was, in some degree, recognized by the Board of Education.

In this speech the House will observe the principle laid down. Here I am distinctly told, that one of the purposes for which

* Hansard, vol. xxv. p. 266-7.

the property of the Church was granted was, the general education of all classes of the people. I am further informed, that in 1811 and 1813, it had been intended and recommended to raise a contribution from Church-property for such purposes of education. And let me now ask who is the authority, by whom these principles are laid down? A brother of the head of the last Tory Government—a brother of his Grace the Duke of Wellington! The conclusive statement I have read is that of Lord Maryborough, then Mr. Wellesley Pole. I have thus shewn upon high authority both upon that of the Legislature, on that of the House of Commons, and upon the recorded principles of Prelates and of Statesmen, that in law, education constituted one of the trusts to which the Irish Church was subject, and that in justice, this trust might be enforced; that there was nothing of sectarianism to be found in these principles of parochial schools; but that they were for the common and general instruction of all classes of his Majesty's subjects. I have shewn that this can be proved emphatically according to ancient usage and undeniable law. I now ask the House and ask the country, to whom it has been endeavoured, through the medium of this debate, to make an appeal, on the ground that the Church is in danger, what there is of innovation, what there is of a subversive or a revolutionary character in the Motion of my noble Friend? There is one point connected with the question to which I wish to draw particular attention. I need not rest exclusively upon the Irish authorities; fortunately, the good sense, and the liberality, and the munificence of a branch of the clergy of the Church of England have afforded me another, a further, and most important illustration. We are told, forsooth, that we cannot, except as spoliators, appropriate any portion of the Church revenues to secular purposes including among secular purposes, the instruction of youth. We are told too, that our plan becomes still more especially and peculiarly objectionable, when the education to be afforded is general, and not confined exclusively to Protestants. The right reverend Prelate, the present Bishop of Durham, has, within, a very few years, brought before Parliament a proposition, which, according to the doctrines laid down on the other side, is a proposition to secularize a part of the property of the Church. It is to the preamble of the Act 2 and 3

Will. 4th, c. 18,—for the enactment took place so late as the year 1832,—it is to that preamble that I am most desirous of calling the attention of the House. It is as follows:—

Whereas, the Dean and Chapter of Durham are desirous of establishing, in connexion with the Cathedral an University for the advancement of learning; and, whereas, the same Dean and Chapter are desirous that a specific portion of the property of the said Cathedral Church should be appropriated—

awful word!

—appropriated and set apart for the purposes of such University. And, whereas, this object cannot be effected without the authority of Parliament.

And the statute then proceeds to enact—

That the property shall be vested in the Dean and Chapter, in trust, for establishing an University for the advancement of learning. There is still a power to sell, free from all trust, and free from any future claim on the part of the said Dean and Chapter, and their successors for ever. Well, but perhaps it may be said—indeed I am quite sure it will be said—that this Act is sanctioned by some ancient trust erected under the original grant or Charter. True, and in order to avoid all misrepresentation, I proceed to read to the House the Bishop of Durham's own explanation on this subject:—

The proposed application of the Chapter Funds to the University of Durham, is strictly in accordance both with the spirit and the letter of the Chapter Statutes, which expressly point out the advancement of learning as one especial object of their endowment as a collegiate body; and had either the Chapter or myself imagined that the present measure was liable to misconception, nothing would have been easier than to have guarded against it, by a simple recital in the preamble of the Bill, of the very words of the original endowment as set forth.

In what? let me pause to ask. In a charter granted by Henry 8th, the very same monarch who gave his assent to the Statute which imposed upon the clergy of Ireland the obligation which I have so frequently referred to. The obligation then is analogous in both cases. But it may be said, that the words “connected with the Cathedral,” lead to the inference that the University of Durham was intended to be confined exclusively to Protestant instruction. Perhaps my hon. Friend who cheered the quotation, thinks that it was for the instruction of the minor canons in singing,

or for disciplining a verger or two for their important duties, or for some other purposes strictly connected with the cathedral, and with our Establishment. No such thing. Before the Bill passed the House of Lords, a noble Lord, who had every right to feel a very deep interest in the county and city of Durham, expressly asked the Bishop of Durham what was the real object and scope of the intended University? and whether the system of education, and the course of study, was to be confined to the Established Church? Now, if the doctrine advanced by some, as to the parochial schools of Ireland, be correct, and if these schools must be necessarily exclusive, because supported from Church funds, it must be admitted, that the Bishop of Durham would have equally felt himself bound to have made this University exclusive and sectarian. But the learned Prelate did not so act. The right reverend Prelate expressly declared—

Persons might be admitted to public lectures, in science or literature, of whatever description, without being subject, as students, to the discipline of the University. By this regulation, many might avail themselves of very considerable advantages from the institution, subject to no previous inquiry, or restriction as to their religious persuasions. With respect, also, to those students who were to be actually members of the University, it was intended to adopt the regulations of the University of Cambridge, which did not require tests or subscriptions at the admission of members, nor until they take degrees or other academical privileges.*

The Bishop of St. David's added :—

He had great pleasure in being able to confirm what had been stated by the noble Earl (Earl Grey), that arrangements had been made to enable persons of all denominations to benefit by the instruction that would be afforded at the University. No religious tests would be imposed at the time of admission.†

So little did the Bishop of Durham adopt the doctrines I have heard in this debate, that, whilst he relied on the Charter, he also boasted that the usefulness of this University should be unconfined. He declared, too, that the aid of Parliament was requisite to enable the Chapter to endow the University, and he proposed that the foundation should take place on such terms of liberality as might admit, within the embrace and scope of its institution, persons of all religious denominations. Well, then, if I and my noble Friend are violating our

duty by supporting this Resolution, I maintain that we have hon. companions in our imputed crime. If our opponents can brand us with robbery and spoliation, they must class together the Bishop of Durham and my noble Friend, the Member for Devonshire, as being both enemies to the Church, and as throwing firebrands intended for its destruction. I am not now contending for the abolition of the Protestant Church. I am contending simply that it ought to be apportioned, in magnitude and revenue, to its uses. I wish to add one further declaration; I make it frankly to Gentlemen who may be disposed to take an extreme view of this case. It has been suggested by some, it is hoped by many, that Protestantism may hereafter extend itself in Ireland; upon the same principle that I now express my willingness to reduce the Establishment where no Protestants are to be found, I am prepared hereafter, if Protestants can be found, to enlarge the Establishment. But if the progress of passing events shall unhappily lead not to the extension, but to the further decay of Protestantism, in any particular parish or parishes, I would in those places reduce the Establishment, and thereby obtain additional funds for the purposes of education; but in any case I will not consent to sacrifice one jot of the real interests of the Protestant Church. I would not deprive the parties of the means of obtaining religious instruction—I would not desert them in their weakness—I would not leave them in their hour of need; but I cannot defend nor refuse to expose to the world and to this House the scandal, and to Ireland the disgrace, of the continuance in various parts of that country, of an establishment of which the people feel only the evil, and none of the use; nor can I think of supporting a clergy without flocks, or churches without congregations. The right hon. Gentleman opposite may tell me, that in one respect the present course of proceeding differs mainly from those precedents to which I have referred; and that under the recommendations of Mr. Ord and Mr. Wellesley Pole, as well as under the Church Temporalities' Bill, it was proposed to proceed in the way of a fixed and ascertained tax payable by all. The propositions, undoubtedly, do differ in that respect; but our Resolution differs from former suggestions, chiefly in being very much better in principle. In the provinces in the north of Ireland, where there are large Protestant congregations, the Protestant clergymen

* Hansard, (third series) vol. xii. p. 1215.

† Ibid, p. 1218.

are not, in all probability, overpaid at present. In the county of Down, a clergyman discharging important duties and receiving 400*l.* a-year might not be overpaid, while one in the south of Ireland, receiving 200*l.* a-year and doing no duty at all, would be greatly overpaid. Well then, Sir, I say, for the sake of the Church itself, as well as that proper religious instruction may be secured for the denomination of Christians to which I belong, I would not reduce the income of the clergyman who is not overpaid for the duties he has to perform; while, for the sake of the peace and tranquillity of Ireland, I would make a better appropriation of the income of an incumbent who is now paid 200*l.* and who performs no duty whatever. Upon what premises the gallant Officer opposite has come to the conclusion that the collection of tithes is not at the bottom of most of the disturbances which have taken place in Ireland, I know not; but I think he will, when he has more experience upon this subject, alter his opinion. He will find, that the tithes in Ireland have been the fruitful source of agitation and disturbance. If, as is suggested by others, the Catholic has any disposition to overthrow our Church, we give him the power so to do, by continuing the Protestants in so false a position, that they must blush to contend for it, because they have not truth or justice on their side. He confounds together two things, essentially distinct and separate, when he asserts that it is expedient to preserve a sinecure Church, where there is no congregation, because it is expedient to maintain one in another country, where there is a congregation, and where there is a working clergy, zealous, anxious, and unremitting in their exertions to discharge their duties. I cannot conclude, Sir, without expressing my hope that not one word may have escaped from me in the course of this debate, which may, in the slightest degree, give rise to a supposition that I am indifferent to the paramount duty of providing religious instruction, or that I am indifferent to the true interests of the Established Church. I am aware, that this is not the place for religious contentions, nor for professions of religious faith. Let the principles of religion, which have been eloquently expressed by the right hon. Baronet opposite (the Member for Cumberland)—let those sentiments, I say, Sir, dwell in our hearts, and influence us in our private judgments; but depend upon it, that it is neither for the interest of religion, nor

for the interest of the Church, that we should make those principles the subject, either of profession or of discussion, in the House of Commons. Before I sit down, Sir, I wish to take the liberty of removing two misapprehensions which appear to have existed in the mind of the hon. and learned Gentleman, the Solicitor-General, whose speech we all heard last night with so much interest and satisfaction. Sir, that Gentleman not only misapprehended my noble Friend's statement in a most essential point, but he attributed to him the very reverse of what he uttered. The hon. and learned Gentleman said, "the noble Lord threatens us with force; he employs the language of menace, and calls on us to yield to intimidation." Now, Sir, my noble Friend, in his argument, referred to our experience of the past, to raise a contrary impression; he said that former concessions had been wrung from hands which were reluctant to yield them; that they had been extorted from men who disavowed their own work, who blushed at the course they felt themselves obliged to take, and who, whilst they did the thing, did it not of choice, but upon compulsion. My noble Friend added, that in such cases concession lost all its grace and virtue; but, said he, in the present case, no such objection applies; no menace is raised here when there is no force upon you—when you can settle this question as an act of peace—when we ask you to support us in the name of justice and common sense; do that which is right boldly and fearlessly, and obtain, by your mode of doing justice, not only the reward of your own approving conscience, but the gratitude of a tranquillized country. The other misapprehension, Sir, was one which related to the Repeal of the Union. I could scarcely trust my senses when I heard my noble Friend charged with threatening the House that he would become a repealer—that he would join or countenance the advocates of the Repeal of the Union. Why, Sir, how could it ever have entered into the mind, I will not say of so quick-sighted a gentleman as the hon. and learned Solicitor-General, but how it could ever have entered into the mind of any man, woman, or child, including even that class designated and known under the title of "old women,"—how could it have ever entered into the mind of the most credulous, to impute such an intention to my noble Friend? His argument was far different: he read an Address moved on a former occasion by myself, and adopted by an

unprecedented majority, in which Address, the House pledged itself to a determined resistance to the Repeal of the Union; but, at the same time, the House undertook to provide redress for the grievances of the Irish nation. My noble Friend then urged that, therefore, we ought to be ready to perform our part of the contract; and, Sir, he then stated, and truly, that if we do not perform our engagements, we are adding force to the demand which is made for the repeal. One word more before I close. I find that we are threatened now with the revival of a church cry throughout the country. Not the cry of "No Popery," because that is worn out, and because if grave and reverend personages were to endeavour to raise that cry, and to appear in their worn-out dresses of 1806, they would be hissed off the stage by any audience before whom they might present themselves, even though assembled in the humblest barn in the land. The cry intended to be now raised is that of the "Church is in danger!" I deny, Sir, that our measure, either directly or indirectly, justifies the cry; and I take the liberty of warning Gentlemen not to give way to their political or religious enthusiasm, against those whom they are pleased to designate as the rash innovators of the present day. I address myself to my noble Friend opposite, and to others, who, in their zeal for the Church, would wish to raise this cry. I take the liberty of warning them, and I do it at the same time most respectfully, what may be the consequences of calling forth the Church into the field of action as a political disputant and partisan. Do they wish, Sir, to raise a theological warfare throughout the land? It has been said by the Under-Secretary of State for the Colonies, that there is a growing disposition already in the country to demand a separation of the Church and State. I hope and trust, therefore, Sir, that such a cry may not extend itself. No one could deprecate such a state of things more than myself, yet I must say, that if you send the Church into the field as a political disputant, and that this cry of "the Church is in danger" is to be raised at all the elections in England, come they when they may—if the supposed danger of the Church is to be the watchword by which the people are to be aroused to the resistance of wise and sound measures of constitutional reform, both in Church and State—then I say, Sir, that there is a dreadful probability that the cry you have raised with so much industry

will turn out a prophecy which will be verified to the fullest extent of your apprehensions. Let us, therefore, calmly discuss this question while we have an opportunity afforded us of doing so in this House; let us here deliver our consciences; let us here discharge our duty, now, according to the best of our abilities; and let us not, for the purpose of obtaining any temporary political advantage, be induced to endanger the real and permanent interests of our common country, in my anxiety for the welfare of which, I must assure the hon. Gentlemen opposite—Conservatives though they be—I yield to none among them. I thank the House for the kindness with which they have heard me. I know that mine has been a dry and uninteresting detail of facts, to the authority of which—and I hope I may also add, to the confidence which the House has in my sincerity—I am alone indebted for the patient indulgence with which I have been honoured.

Lord Stanley said, that he could assure the Gentlemen who were anxious to adjourn, it was a very natural desire at that period of the night ["No, no!"]. He was going to have said, that even if he had been otherwise disposed, he had not the physical strength that would enable him to trespass on their attention for more than a very short time [*Cries of "Adjourn," and "No, no!"*]. He stood more than usually in need of their indulgence, because he felt, from his state of health, that he should have great difficulty in claiming the attention of the House, even for a very short time. He regretted this the less, because, upon the higher and more important principles that were involved in this debate, the ground had already been so ably occupied by the hon. and learned Gentleman, the Solicitor-General, the Under-Secretary of the Colonial Department, and, without disparagement to them, he might say, above all, by his right hon. Friend (Sir James Graham), that he felt he had very little occasion to trouble the House with any observations at all. His opinions upon this point were well known. The indulgence of the House had frequently allowed him to express them at various periods during a term now of no less than eleven years since he had first spoken on this subject. During that period, it might be from obstinacy, it might be from prejudice, his opinions had undergone no alteration, his principles had suffered no change. He had therefore nothing to retract, nothing to modify or to qualify. He had only to repeat, with regard

to the opinions he had ever entertained on the principle of the alienation of the Church-property, that he, for one, could not feel himself justified in assenting to any alienation of that property to uses not strictly Ecclesiastical. The hon. and learned Gentleman, the Member for the county of Tipperary, had informed him, that in the course of last session he had used expressions offensive to a person for whom no man entertained a higher veneration and regard than himself. In alluding to those expressions, or supposed expressions, which he sincerely hoped had given no offence, the hon. and learned Gentleman stated, that he had the authority of the name, and the sanction of Earl Grey, in favour of the proposition now before the House. If there was an individual more bound to that noble Earl than another, by feelings of regard, of veneration, and affection, it was the humble individual who then addressed them; but when the hon. and learned Gentleman claimed, in consequence of an expression of his noble Friend, the Member for Northumberland, the authority of Earl Grey for the proposition now before the House, he begged the House would not be misled so far as to suppose his noble Friend's authority was to be taken in all cases to carry with it the authority of Earl Grey. He had no right to speak of the noble Earl's private opinions; but if he knew any thing of his opinions, he knew this—that, to use the words of his noble Friend, the Member for Devonshire, whatever might be his opinion of the abstract right and power of Parliament, that noble Earl had too long experience in Parliament, not to know that the assertion of an abstract power was one of the most imperfect and improper courses that could be pursued. He regretted that his noble friend (Lord John Russell), who brought forward this proposition without having added much to his experience since last year, had so much altered the opinion he then entertained. He, for one, adhered to the opinion which was then expressed so strongly, not only by his noble Friend, but also by an authority which the House would not lightly treat, he meant the authority of the late Chancellor of the Exchequer, who, upon the debate of this very subject, upon a motion introducing it by the hon. Member for St. Alban's, expressed himself to this effect:—"Without information, it was impossible for the House to say, how far it ought, or how far it ought not to go, and the resolution was merely a vague declaration of the right of

Parliament to interfere, a right which he was confident, as the House was at present constituted, it would be ready at all times to recognise, and if it was not so constituted, the declaration, supposing it was now adopted, would not hereafter receive the slightest attention, and, therefore, it was needless and useless to pass the resolution." * He admitted the argument of his noble Friend was addressed only to the case of the assertion of an abstract principle, and not to the question as to the right of Parliament to dispose of Church revenues, or even Church-property of any description. He used it therefore only as referring to the general abstract question, which was now raised by his noble Friend, then one of the colleagues of his noble Friend, whose language he had quoted; and the assertion of which was compelled, as was stated by his right hon. Friend, the Member for Cambridge, by circumstances, but as to what those circumstances were, the House was left entirely in the dark. In the absence, then, of the evidence, and all the information to be obtained by that commission, which his Majesty's late Government deemed it indispensable to issue, but which he deemed to be of no value whatever, his noble Friend now pressed forward the same abstract principle which at that time one gentleman deemed improper, which another, resting on his Parliamentary experience, considered to be injurious, which a third said was unjustifiable, and a fourth said was the grossest of all absurdities. He knew the right hon. Member for the town of Cambridge would press on the House, that, with regard to the motion of the hon. Member for St. Alban's, it affirmed a fact. He objected to that in the absence of information necessary to affirm the fact. But then the motion of the hon. and learned Member for the city of Dublin, affirmed no facts, but merely stated, that if there should be a surplus, that surplus was applicable to general charity and general distribution. Well, what was the objection then? He would ask, without meaning to be in the least invidious, whether the right hon. Gentleman's objection who had just sat down was not this—that he objected to the proposition, because it was hypothetically framed—because it might be interpreted in one sense by one hon. Member, in another by another, and interpreted mischievously by many Members of that House? In fact the objection was,

* Hansard, vol. xxiv. (third series) p. 16.

that the proposition was hypothetical, and capable of a variety of explanations; and upon that ground his right hon. Friend contended against the propriety of assenting to the resolution of the hon. and learned Member for the city of Dublin. What, then, was the resolution brought forward by the noble Lord, the Member for Devonshire? It was a motion for the House to go into a Committee to inquire into the state of the Irish Church, with a view to appropriating the surplus, if any should be found, to general education of persons composed of all classes of religion; and his noble Friend had said, that any deficiency of his argument would be altogether removed from the mind of the House by the clearness of the proposition. If there was one point above another which was open to discussion and difference of opinion—he was going to have said upon which there prevailed a great difference of opinion, but he would rather say, quite an uniformity of opinion different to the noble Lord's—it was this subject. What did the noble Lord mean by a surplus revenue of the Irish Church? and what did he mean by the resolution which he called upon the House to pass? His right hon. Friend who had just sat down, passing by for a moment what was to be understood by the surplus revenue of the Church, had said, that he desired to appropriate this surplus revenue to no purposes except those of general education; and he brought forward, in support of that application of Ecclesiastical property, a certain statute passed in the reign of Henry 8th, which statute was passed for the purpose of consolidating the rights of conquest by, amongst other things, doing away with the Irish language. With all the respect which he had for his right hon. Friend, he could not attach the importance to that statute of Henry 8th which his right hon. Friend seemed to attach to it; but if the question he raised was this, was it expedient to enforce it on the Protestant clergy throughout Ireland as one of their paramount duties, as one of their duties calculated to bring under their control the rising population of that country—if that was the object his right hon. Friend had in view, he would say, that a more fit subject of discussion could not be brought under the consideration of the British House of Parliament, and that no person would be found more ready to enter calmly, deliberately, nay, favourably, into that consideration than himself. But with regard to the University established at Durham, his right

hon. Friend must allow him to point out to him the broad distinction that must exist between applying Ecclesiastical property to secular purposes, and any inference that could be drawn from the University of Durham, as a precedent. In the first place, the original endowment of the chapter of Durham was an endowment subject to secular purposes, and for Protestant instruction. It was very true, that no test was required of the religious persuasions of those who were to be admitted for instruction in that University. He wished that the same rule applied in other universities; but, admitting that no test was required from students, to be present at a course of study and a course of lectures by Protestant teachers and under Protestant professors in England, he would ask what analogy could be drawn from that to the appropriation of Church-property in Ireland, upon the system which it was the intention of his noble Friend to insist upon? Whatever might have been the general arguments which he had thought it his duty, as it certainly was his inclination, and as a member of society his interest, to address to the House against the principle of appropriating the revenues of the Church to any other than strictly Ecclesiastical and Protestant purposes, he would have had language of quite a different character to address to them as an Irish landlord. In his own proper person he was willing to submit to any scale of taxation that might be imposed for the purpose of affording instant and abundant instruction to all classes of his Majesty's subjects in Ireland, be they Protestant or be they Catholic. Whatever might be requisite for the purpose of public instruction, without distinction of sect or creed, he was perfectly willing to contribute in common with other landlords out of his own pocket, but not out of the funds of the Protestant Church of Ireland. He would now, with the permission of the House, put one test, as to the great and extreme anxiety which had been expressed in some quarters for the extension of popular education—he would suppose the Tithe Bill of last year carried, by which the landlord obtained the benefit of a deduction of 25 per cent. from the Church, which was given to him as a premium. Now, he would ask those gentlemen who were so anxious for the spread of education, and whom he would suppose to be in the full enjoyment of that premium, he would ask them this, were they prepared to contribute 10 per cent. out of the pro-

ceeds of that 25 to the purposes of popular education—would they give even 2—would they consent, for that so much extolled education, to give even that small portion of the fourth, which they were to obtain from the Church? If they should so consent, he was as ready as any man could be to concur with them. If they went further, and consented to 5 per cent, he should be quite as ready to go along with them to that extent also; if they were prepared to go the length of even 10 per cent., he should still go along with them, even to that length; he would go forward with them in the plan to an extent which should have no limit but that which the demand for the contribution actually supplied. His right hon. Friend, the Member for Cumberland, had been taunted last night with having on former occasions objected to the principles now supported by his noble Friend, and embodied in the present Resolution, that their adoption might, or rather must of necessity, lead to ulterior consequences of an exceedingly hazardous character, to say the least of them. He was told that in so reasoning he had only offered the old argument, which ever had been opposed to all and every species of improvement—an argument amounting to this—if you take one step you create the necessity of taking all the rest; you let in an overwhelming torrent, which no human effort could subsequently stem. Was putting the matter in that way fair and candid towards his right hon. Friend? Had he so dealt with generalities—had he so indulged in vague declamation, as to justify the imputation attempted to be fixed on him, of reluctance to take the first step in the work of real and substantial improvement? Why was it any matter of surprise that his right hon. Friend should pause before he ventured upon a step, that, even upon the showing of the advocates of that step themselves, was nothing considered by itself, but everything in its consequences? They had been told over and over again that the Motion was of no value but as a precedent. His right hon. Friend had said, that the step would find its supporters in high places, and that he shrank with horror not merely from its supposed or alleged, but from its avowed consequences. When reference had been made to the probable expulsion of the Bishops from the House of Lords, and when that was cited as a proposition which an hon. Gentleman had supported on the ground of abstract right, without reference to remote or possible

consequences, and when it was added that that hon. Member when he said so, was a Member of his Majesty's Government,—he was not a Member of the Grey Administration—(a voice from the Opposition side of the House, "He was.") Of whatever Government he was a Member, the argument, as he understood it, was directed against the probable feelings and objects of those who formed the late, and possibly at no distant time future, Government of this country. He saw this also with respect to the views of that gentleman, that though holding opinions supposed to be dangerous to the Church, he was selected as a fitting and proper person to form a Member of the Government—he would not say on account of those opinions, but most assuredly they were not held to form any disqualification for offices, and he was accordingly called upon to fill a confidential situation. When he was told that it was idle, and worse than idle, that it was mischievous, to argue against any specific proposition—that it should be rejected and repudiated, because it might lead to ulterior and evil consequences, he hoped he might be allowed to make one reply to that species of argument—a reply which, in his apprehension, would be perfectly conclusive; he begged, however, to be allowed to make it in perfect good humour, and without conveying the slightest offence to any individual or body of persons. Premising so much, he would take the liberty of asking what had been the result of the concessions already made, and which they had been so urgently called upon to make, for the sake of preserving unanimity and cordiality? He had heard his right hon. friend taunted with having screwed his courage up to the sticking place, when he voted for the suspension clause, and when he agreed to the measure for striking off ten Bishops from amongst the Prelacy of the Established Church in Ireland; yet that, having made those concessions, he was unprepared to go further, and would not follow them up to their legitimate consequences. Was it generous, was it politic, so to goad him into excessive submission or open hostility? Did those who assailed his right hon. Friend really and earnestly desire to lead him and prevail on him to go to the full extent to which he could be induced to go, without violating the obvious dictates of his conscience? The hon. and learned Gentleman, the Member for Tipperary, on the last night had triumphantly exclaimed "You wanted no Commission to strike off

ten Bishops—you wanted no Commission to induce you to agree to the suspension clause—you wanted no Commission to furnish arguments in favour of agreeing to the 147th clause of the Church Temporalities' Bill." Now, what were the facts? The whole of these alterations referred to by the hon. Member for Tipperary, were founded upon the Report of a Commission, and upon the evidence so obtained. The hon. and learned Member was, therefore, wrong in his facts; that in that case, they had not waited for a commission, he was no less wrong in using the argument that they called for the report of a commission on the present question. For the Report of that Commission, as far as he was concerned, he did not care a single farthing. Commissions might be useful for means of general information, but as regarded this question he would not for a single moment admit that they possessed the slightest weight—they would not alter the course which he should take a single jot or tittle. He might think no mode of argument so unfair as the use of a Report partially in the hands of Members at one side, and wholly unknown to those at the other. He might think it not candid that use should be made of certain information in the hands of certain Members without corresponding information in the hands of others. For his part, he asked for no such information; the question which, as he conceived the House had to decide was this—how should any surplus be disposed of, let the income of the clergy be 500,000*l.* per annum, or five times that sum, and also whether it was wise and expedient to come to any decision at all without ascertaining whether there was or was not a surplus. Now, he entreated the House to look at the real grounds upon which he and his right hon. Friend and those with whom he generally acted voted upon those propositions for diminishing the number of the Bishops, and for adopting the Suspension Clause; it was not for the purpose of obtaining the revenues of those Bishoprics or those suspended benefices for the purpose of popular education or for any other secular purpose, but simply and exclusively for the purpose of applying them to the interests of the Church itself. He would ask the House was the way in which the argument had been put fair and legitimate? He knew the candour and sincerity of his right hon. Friend the Member for the town of Cambridge; he knew well that that right hon. Gentleman

was not to be moved a single inch beyond the line which he might believe to be the strict line of duty; but how many persons amongst the newly-formed associates of his right hon. Friend would rest contented with the little boon he had demanded? His right hon. Friend had objected to the vulgarity of the argument which had been founded upon the old cry—"the Church is in danger." Facts as they stood, and as they were known to the great majority of the House, would best answer that. He should now come to one of the observations made by a right hon. Friend who had not long since filled the office of Chief Secretary to the Lord-lieutenant of Ireland. He had described the object against which the resolution was intended ultimately to act as a great and vital disease, praying upon all that was essential to the happiness or the existence of Ireland as a country. It was candid of the right hon. Gentleman so to put the argument; it was candid of him to acknowledge that the Resolution in itself was nothing—that he cared little for the Resolution, and that he only looked to the great and vital disease which, according to him, could only be removed by cutting out the affected part. Was the House prepared to admit the principle involved in that argument—were hon. Members at his side of the House prepared to expose themselves to all the successive assaults which they would have to sustain from the well marshalled phalanx which he saw arrayed on the opposite benches? He congratulated the hon. and learned Gentleman the Member for Dublin upon the position which he now occupied, as compared with that which he filled in the last year. Oh, how proud was the triumph enjoyed by one of the parties at the Opposite side of the House, for two different parties they were, though at present they sat on the same side of the House. How proud was the triumph for one of those parties, and how bitter the submission for the other. Well might they follow and support their noble leader, though in this year he was forwarding, supporting, and advocating the proposition which in the last Session of Parliament he had earnestly and strenuously opposed. It was said, that the two parties now filling the benches opposite to him were not bound together by any tie, save that of the one little Resolution then under the consideration of the House. But when he looked at the dominant principles of the other side of the House—when he saw the present support of one

of those parties was yielded to his noble and right hon. Friends, who now mingled with that party as a means of ultimate ascendancy over those with whom he had formerly acted as part of the Grey Administration, he could not but ask, was he factious? Was he vulgar when he called upon them to abstain from falling into that trap which had been laid for them, and to look to the associates with whom they were engaged? In his view of the question which the House had to decide, it did not materially differ whether the amount of the revenue enjoyed by the Church was 400,000*l.* or 600,000*l.*, at the same time that he was perfectly aware that the amount made a serious difference in the effect of arguments addressed to a popular assembly. Though for his own individual part, he attached no sort of importance to the exact amount of the sum possessed by the Established Church in Ireland; he nevertheless could not refrain from expressing his firm and rooted conviction that upon full investigation it would be found to be under 450,000*l.*: the whole sum available for the use of the parochial clergy would, he was assured, if fairly divided amongst them, not exceed an average of 200*l.* a-year, to each; was allowing such a revenue creating an over-endowed and bloated establishment? He well remembered the time when the hon. Member for Middlesex was accustomed to represent the revenue of the Established Church in Ireland as amounting to 3,000,000*l.* Of late they had shrunk into such narrow dimensions as 800,000*l.*, and he repeated his full persuasion that minute and fair inquiry would bring them down to 450,000*l.* He assumed that no Member of that House, and that even no intelligent and unprejudiced man in the Community, would attempt to say that the property of the Church should not, in the first instance at least, be applied to Ecclesiastical purposes—he might then, he hoped, be allowed to say that an income of 200*l.* per annum was not an excessive allowance for the clergy of the Established Church. Under the Irish Church Temporalities' Act, that sum had been fixed as the amount to be exempted from the annual payment, which, as the House would recollect, would go on for fifty years, towards the liquidation of the debt. In that state of things, and with no prospect of a higher revenue to the Members of the clerical body of Ireland, the House of Commons was gravely called upon to appropriate the amount that

might be left, though, as had been fully ascertained, the parochial ministers would not have an income exceeding 200*l.* a-year. Really there would be too much of the ludicrous, if there were not so much of mischief and of danger, in those measures of sham legislation. When the debt was discharged—if any amongst them could hope to witness such an event, or could look forward to its probable effects, something plausible might be said about the appropriation of the surplus, if any there should happen to be, in half a century hence. Was it necessary for him to remind the House that the funds arising from the reduction in the number of Prelates had already by anticipation been applied to strictly Ecclesiastical objects, and that they were for the most part used in the division of unions, in the augmentation of smaller livings, in the building of Churches and glebe-houses, and other purposes of a like nature? It would, of course, be recollected that his noble Friend had exempted from taxation for the payment of the debt, which would be liquidated in 1886, livings only under the value of 200*l.* a-year, while the maximum he had previously fixed at 300*l.* Many hon. Members then in the House differed from him with respect to that arrangement, and pressed their views upon his noble Friend at the time. The answer which he gave at the time might have been a sufficient answer or it might not, but it was then received by many as a sufficient answer—namely, that the effect of that arrangement, would be to relieve a greater number of incumbents and afford assistance to a greater body of the poorer parochial clergy. They had been told frequently in the course of the present debate, that if they only agreed to the single resolution which had been put forward for their adoption, the war would close,—there would be no more Rathcormacs,—that peace and quietness would spread themselves through the land; that that abstract resolution of the House of Commons would, all at once, and at a single stroke as it were, allay for ever the heart-burnings and animosities, the civil broils and contention which afflicted Ireland from one end to the other. Did not assertions of that nature pass the credibility of any rational being? He well knew how easy it was to gain upon the humane and generous feelings of the English Members of that House; and then he remembered that all which was specious, and captivating, and plausible, lay with his opponents, while

nothing but reason, and truth, and justice, could he or his friends call to their aid. When hon. Gentlemen on the other side told the English Members that if they would but agree to the Motion, Ireland would occasion this country no more trouble, that then there would be no more violence and blood,—when hon. Members argued so, he confessed he did feel himself called on to ask them to follow out their reasonings to the legitimate conclusion; it was really not acting a fair or generous part so to deal with the English Members of that House. Had it not been made a main part of the arguments, that there existed a settled resistance to tithes in all parts of Ireland—that the violence, dissension, and ill-will prevailing in that country had been made topics of complaint, as well in the present debate, as they had in all discussions relating to Ireland—a practice with which all old Members had been familiar for the last twenty years, and of which they had heard and read for the fifty years preceding? There were now two courses open to the House: one was the measure of his Majesty's Government; the other was the Resolution then under discussion. They had been told from the other side of the House—and how hon. Members reconciled it to their consciences he knew not—that unless they passed that abstract Question of Appropriation, nothing else they could agree to would be of any material value. Now he asked the House to bear with him for a moment while he endeavoured to show the gross inconsistency, the almost madness, which characterized the adoption of such a course. The proper way of looking at the question was with reference to its effect upon the present condition of the country. What measure, he put it to the House, was calculated to put a stop to those scenes of violence and outrage the occurrence of which all had so much reason to deplore, the details of which had so excited the indignation and compassion of English Members? Would the adoption of the Resolution have that effect? It was clear, quite clear, it would not. Did it, he begged to ask, hold out to the people of Ireland any immediate reduction—any, even the smallest, alleviation of the burthens under which they laboured? Not the smallest. When would that resolution practically come into operation? Why, nobody proposed; and even at the risk of losing the support of one hon. Gentleman opposite, he must say, that he did not be-

lieve the noble Lord who proposed the Resolution had any inclination, and much less, any intention whatever to trench on the rights and payments of existing individuals. Where, then, he begged to ask, was there immediate reduction of Church taxation—where their immediate alleviation of Ecclesiastical burthens? The incumbents were to be told that the same system was to be kept up—that tithes were still to be levied and (the plan of proposed operations includes the rejection of the Government measure with respect to tithes) that they, the Clergy, were still to be brought into collision with the people in the collection of the Church revenues. Why, then, what must be the consequence? Would not the same intimidation, so much condemned—the same outrage so much deprecated—the same bloodshed, so much lamented—would not these, and all the other terrific results of the present tithe system be continued in their full and unmitigated horrors? There was to be no alteration in the circumstances of any one single parish, and yet they were told that the people were to be satisfied, and that the burthens would be removed by the mere adoption of the noble Lord's Resolution. Could it be possible that such an argument had been addressed to any set of rational men? Could it be possible they would attend to it? Some short time ago it, perhaps, would be recollected the right hon. Gentleman, the ex-Secretary for Ireland, proposed that the burthen of tithes should be by degrees thrown on the landlord; and it was contemplated under that measure, had it passed into a law, that at the expiration of five years the transfer should be perfected. Now, what was the indignant exclamation used by the hon. and learned Member for Dublin, one of the understood supporters of the noble Lord's present proposition, when that measure was introduced? On the present debate that hon. and learned Member had not as yet given the House the benefit of his deep wisdom and eloquence. Why he had not been pleased so to do, he (Lord Stanley) could not say, nor would he even hazard the suggestion that his silence might originate in the fear of producing some awkward difference of opinion among the present unanimous and well-cemented Opposition. Should he, and of course it was impossible to suppose any earthly consideration would induce him not to do so, lay before them the plain, unvarnished detail of his opinions—[*A laugh*]
—no, he, (Lord Stanley) was not then

speaking of anything the hon. and learned Member had said upon the question then under discussion; he was alluding altogether to a speech of the hon. and learned Member's on a former occasion, when, with a view of refuting the doctrine urged by the then Secretary for Ireland, that to throw the burthen of tithes upon the landlord at the expiration of five years, he used a most indignant exclamation, descriptive of its absurdity, and used language somewhat to the following effect:—"The people of Ireland are now determined to be satisfied, and it is vain your attempting to put them off by such paltry legislation as that you now propose. Is not this a fitting time for the Government to throw oil on the troubled waters of political discord? Is any attempt of this kind likely to satisfy the Irish people? No—you do nothing—absolutely nothing. Good God, was there ever such another instance of insanity as to suppose that such a measure as this will tranquillize Ireland. Talk of five years—you might as well talk of a century. The time is come when years reckon as centuries, months as years, weeks as months, days as weeks, hours as days, and minutes as hours. Talk to me of reducing the burthens of the Irish peasantry five years hence. It is nonsense. Talk to me of the millennium, and I will listen to you. You might as well tell me that in the year 2500 of the Christian era something will be done for Ireland, as tell me that the people are to have no relief for five years." Such was the emphatic, the decided language of the hon. and learned Member for Dublin when the ex-Secretary for Ireland proposed a measure for transferring the burthen of tithes to the land at the expiration of a period of five years. And what was the consistent course the hon. Member was now about to take? Why, he was about to vote in favour of a resolution on the principle that it was to tranquillize Ireland, and give to the Irish people all they wanted, when it could not but be evident to every rational being who bestowed one moment's reflection on the subject, that its principle could only become of some effect, not, perhaps, at so remote a period as the year 2500, but at the nearest, about the year 1886. What had caused the violence, bloodshed, and outrage which, of late years, had so frequently occurred in Ireland? Was it not the interference, the hitherto necessary interference of the clergy in the collection of tithes? Did the resolution proposed alter that system? No. Did it touch

one atom of it? No. What a mockery, what an absurd mockery, was it then for hon. Gentlemen opposite to call upon the Government if they wished to give peace to Ireland—if they were sincere—as if there could be a doubt of it—in their professions of anxiety to see the authority of the law there vindicated—to pass the Resolution. He had been taunted with the failure of the Bill he had introduced in 1832—he meant that for transferring the tithe to the land, or rather to the landlord. He was told that Bill had failed, universally failed, throughout Ireland.—Failed!—Why failed? How had it failed? Why, it had not yet come into operation. It could hardly as yet have come into operation. Yet even as it was, it had by this time diminished by one-third the number of tithe-payers in Ireland. It had hardly as yet come into operation, but it was, he was happy to say, working its way both prosperously and satisfactorily, and all that was required to render it constantly effective, was, to call its provisions into immediate use. Of its utility, he was in a situation to speak from his own experience, as one of the landowners of Ireland. Since the period of 1832, he had made himself liable for the tithe of his land. Situated as his land was, in an exclusively Catholic district—living as he did among an exclusively Catholic tenantry—he had seized the earliest opportunity that presented itself of rendering his land liable to the tithes, and the way he had effected that object, was, when granting new leases to impose, above the amount of rent, a sum sufficient to pay the tithe. In one instance a large farm had fallen out of lease, and he would briefly state what the course he pursued on that occasion was, to exemplify the working, he was happy to add the beneficial working, of his measure. In the instance of the farm in question, he found that the land was let for 20s. an acre to the middle man, and for 27s. an acre to the occupying tenant. On the falling-in of the lease, he sent for every one of the occupying tenants who had been on the farm, and intimated that he would in future charge the whole at 22s. an acre; that was allowing 20s. an acre for the land, and 2s. an acre (that was the amount at which it was valued) for the tithe. Nothing could exceed the gratitude which the tenants expressed on being informed that they might obtain their land on such terms, and he (Lord Stanley) expected, as he had every right to expect, the rent he fixed would be

cheerfully paid. When, however, the first rent day came round, to his great surprise he was informed by his steward, that they appeared before him in a body, and after telling him they had been informed that the amount of rent for the low land they occupied was but 20s. an acre, and that the remaining 2s. were on account of tithe, they one and all declared, that beyond 20s. an acre they would not pay. Hon. Gentlemen cried, "Hear, hear," as if they regarded this incident as a proof of the determination of the people of Ireland not to pay tithes; but let them, before they came to that decision, hear the result. On his steward's apprising him of the conversation, he at once answered that he knew nothing of tithes in making the arrangement with them—that instead of requiring 27s. an acre for his land, he had demanded but 22s.—that that was the sum agreed upon, and that sum and no other would he consent to receive, leaving, of course to them, the option of paying it or not, as they pleased. What was the result? It was paid without one other word. There was an instance worthy a host of arguments—there was the bursting of the bubble about the Catholic peasantry having to pay tithes to a Church to which they did not belong. He was told by those opposite, hon. Gentlemen talked to him, of the menaced invasion of the Protestant religion by the Catholic population, and of the impossibility of satisfying the Irish people until tithes were abolished, he met them by this single case, and he asked them to refute it if they could. He asked of the English landlords to deal with the question submitted to them on the principles of common sense and sound reasoning; and sure he was, confident he felt, their decision would be consistent with those principles of which he was the humble but zealous advocate. He now came to the Tithe Bill lately introduced by the Government. That Bill held out every prospect of substantial, and of what was still better, of immediate relief. Would the measure which the noble Lord proposed introducing upon his Resolution do so? He felt inclined to say "No, it will not." But before he came to express a decided opinion upon it, he must have one little question answered. Before they came to a vote, let them be agreed as to what was meant by the term "surplus"—what was the noble Lord's interpretation of it—for what purpose was it to be created, from whence was it to be obtained, and how was it to be collected? He would not

then go into the question of the right of Parliament to interfere with Church property; it had been already, during the present debate, most ably discussed by the right hon. the Solicitor-General, and the hon. Gentleman, the Under-Secretary for the Colonies, and his (Lord Stanley's) opinions upon it had been already placed before the House. Neither would he enter upon the case of Scotland, which had been brought forward by hon. Gentlemen opposite.—[*"Hear, hear," and laughter from the Opposition.*]—Well, then, as hon. Gentlemen wished him, he would enter upon it.—[*Loud Cheers.*]—The hon. Gentlemen declared that they were willing to support an Episcopal Establishment in Ireland, and their object was to curtail the Protestant Establishment according to some numerical proportion which they contemplated, but had not yet been good enough to declare. But they did not want to destroy either the Protestant or the Episcopal Establishment in Ireland. Ay! but referring to the case of Scotland, it was said, you tried to impose an Episcopal Establishment on Scotland, and you failed, and, added the learned Civilian, you dare not impose an Episcopal Church on Canada. Well, but as to the latter case, what was the fact? Within certain districts limited by prescribed bounds, the Roman Catholic religion was established in Canada, and it was recognised by us as being so established. We found this district of country Catholic when we took possession of it by right of conquest, and we entered into solemn treaties by virtue of which we were bound within the particular limits to recognize the religion of the majority of the inhabitants as the religion of the state. There we could not introduce a Protestant Episcopal Church under the obligations of our treaty, but in all the rest of Canada, where we were free to act, had we not introduced the Protestant religion, and made a fund in every district for the support of Protestant ministers? In Scotland, the hon. Gentleman said the inhabitants resisted, and resisted successfully, the attempt to impose upon them an Episcopalian Establishment. The hon. and learned Member for Tipperary had been peculiarly eloquent and enthusiastic in his approbation of the course they had pursued, and the moral results they had achieved. Would that the ghost of John Knox could arise, and hear the hon. and learned Gentleman quoting his authority for such an application of the possible surplus from the exigencies of a Pro-

testant Church, as the hon. and learned Member evidently contemplated. Or only think what would be the horror of John Knox if he could be again alive and hear the hon. and learned gentleman calling him to aid upon such a question. And now when Gentlemen so fiercely urged this opposition upon the part of Presbyterians to a Protestant Establishment, were they aware that, in the reign of James 1st so little was considered to be the difference between the Presbyterian and the Protestant Minister, that the former was without hesitation inducted, in the north of Ireland, into livings under the control of the Episcopal Church? In Scotland, however, prelacy had been found ungenial to the feelings of the great majority of the population. Ay, and to the majority of those possessing property in the country, and gifted with intelligence. Presbyterianism was the religion of their choice, and by the Act of Union they were established in the full right and exercise of it. And so was it firmly established as the religion of the Scottish people. But as to Ireland, it was altogether different; the religion of the State was by the solemn obligation of treaties to be Protestant. They were not bound as they had been in the cases of Canada and of Scotland: the rank, the wealth, the property, the intelligence of the country was not Roman Catholic. They were not bound by any compact to support a Church separate and distinct from the Protestant Church, as in Canada and in Scotland. There they held it binding beyond all considerations and arguments to maintain, by virtue of the faith of treaties, the Roman Catholic religion in Canada, the Presbyterian in Scotland; but when they found that in Ireland every thing was directly different, were the same arguments, was a parallel process of reasoning to be applied? Instead of having there a Church which was distinct from that of the State, they found a Church which was declared to be one and indivisible with the Church of England which was united to the State. And certainly, before he could consent to dissolve that bond, and do away with that Church, he must hear some sounder arguments than any which had been yet advanced by any of the privileged leaders of the miscellaneous multitude on the other side. He did not mean to say, that the Motion actually went to do away with the Protestant religion and its ministers, and to substitute the Roman Catholic clergy and

their religion in its stead; but he held that a proposition for a substitution of this sort would be more consistent with the fair course of Parliamentary and Legislative proceeding, less dangerous and less destructive, than that they should agree to establish those nice religious proportions which had been adverted to, and be compelled to determine upon the affirmative or the negative of Protestant worship in a parish by the number of souls who might happen at the moment to avail themselves of the ministry. He would next beg to ask them what was the surplus they had in view, and how they proposed to deal with it? Did they intend to impose an additional and doubtful taxation, or did they propose to act upon fixed principles? Was the surplus they talked of to arise after they had to the full extent provided for the wants of the clergy? If so, he took no thought of it; it was a matter for the consideration of his grandson. It was a question for the year 1900; 1835 need take no cognizance of it. There was no positive necessity that they should now build a wall, and at the same time volunteer to knock their own heads against it. Taking it at the worst, it was an enterprise which should be left to their posterity. But looking at this surplus in another light, if it were to be acquired by the suppression of certain benefices, the injury of others, and the weakening of the whole Church Establishment, he should not shrink from designating it as dangerous and ruinous. So far from a measure founded on such principles producing anything like the pacification of Ireland, it would lead to an increase of feuds and bloodshed, and would obstruct and most materially affect and distract the whole course of Government for centuries to come. His right hon. Friend was anxious to proportion the revenues of the clergy to duties which they had actually to perform. This was for Ireland. But let this be once granted, why should not the principle be extended to England? Why should not the whole Church-property be thrown into a common fund, and the revenues doled forth in proportion—a proportion which they should fix to the fluctuating exigencies of the Establishment. Did they pretend to lay down any fixed rules? If he could find any intelligible principle applied to the doctrines which they had indicated, he would be content. Surely his right hon. Friend, when arguing for the suppression of benefices never so eagerly, must admit that even in parishes where the Catholic population most prevailed, it was no small

advantage to have in the person of the clergyman a resident Protestant Gentleman. Hon. Gentlemen cried "No, no;" he could not understand the meaning of the cry. He could not conceive how any person could be bold enough to deny the fact, that a gentleman of education, residing in a remote and uncultivated parish, must, independent altogether of his clerical functions, be a source of advantage to the inhabitants. Nobody can deny, that the Protestant clergy in Ireland have liberally and indiscriminately, so far as religion was concerned, distributed, according to their means, their benefactions among all classes of the people. All he wanted of the hon. Gentleman was, that they should announce some fixed principle—that they should declare their limit. Let the House have something precise and intelligible on which they could proceed. He would quote them a passage from the work of a recent traveller in Ireland, who was, he believed, impartial—from the work of Mr. Inglis, in which it was stated, that in all cases in which Protestant Churches had been established in parishes with zealous ministers, the result had been that a congregation was speedily created, and that it was a matter of regret that the Protestant religion was not by its preachers more extensively disseminated throughout the country. He would also remind the House of the authority of Mr. Leader, lately member for Kilkenny, who was by no means a bigoted Protestant, and who had stated that he had been instrumental in establishing churches in places wherein it was supposed there was scarcely a Protestant to be found, and that, nevertheless, when they were once established, there was no lack of a congregation. There was still a stronger case—that of Cahirseven—Mr. O'Connell's own place. Formerly there had been a curate there upon a small stipend, and the duties were negligently performed; but, upon a new appointment, a great change had taken place. He would state that which he was about to state on the authority of a gentleman. [Mr. Maurice O'Connell—name!] He was not at liberty to name; but he pledged himself the authority was unimpeachable. In the olden time, public worship had been all but discontinued, but on the appointment of a new rector to the parish, who came to this place, and who was young, active, and zealous, and who, above all, was a man of good nerves, which in such a district was especially necessary for a Protestant clergyman, a congregation of seventy Protestants

was speedily gathered together in a place where it was supposed hardly a Protestant could exist, and this in the very neighbourhood, nay, at the very door of the house of the hon. and learned Member for Dublin—he meant at the very door of Derrynane Abbey. He protested against the argument which would tend to proscribe a Church Establishment in a particular district because only a few persons, estimating them numerically, were attached to it. See what inducement it would hold out to the multitudes of Roman Catholics to drive out from amongst them the few Protestants there residing against whom they could exercise their power. On the other hand, see the temptation which would be held out to the conscientious Protestant landholder who wished to have a congenial place of worship on his estate to labour anxiously to establish around him a Protestant tenantry. The abstract principle under which the hon. Gentlemen opposite shielded themselves was too dangerous. The resolution was utterly vague and worthless. Its only advantage was in its vagueness, that it might be understood by the hon. Members opposite in any way or to any degree that their consciences might permit, their wills direct, or their fancies intimate. Some hon. Members looked to a correction of what they considered to be abuses in the distribution of Church-property; some panted for a positive confiscation. That House was called upon without waiting for information, (which he wanted not, but which many might perhaps want)—without knowing what his noble Friend's Bill was—for he took it for granted, his noble Friend had a Bill prepared, without any explication of the mystic phrases of a resolution, which were only remarkable for their oracular ambiguity, an ambiguity which permitted men, with feelings the most adverse, to support the Motion—men who could not, if their lot should happen to be cast together, unite in carrying on the affairs of Government for one single week, without anything which could satisfy them as to the safety or expediency of the course to which they were invited—that House, he repeated, was called on by his noble Friend to affirm a proposition and assent to a principle which he considered to be fraught with the most deplorable elements of mischief. His Friend, the right hon. Baronet, the Member for Nottingham, (Sir J. Hobhouse), in throwing his sarcasms about the other night, had, amongst the rest, observed that it would be easy from the ranks of the hon. Gentlemen opposite to form three or

four such Governments as the present. Well, suppose this true, and he doubted it not—but the difficulty was, not to form three Governments, but to form one: and most certain was he that each and all of these sections capable of governing or capable of giving forth a government, would be in bitterest opposition one to another before the termination of a single week, an opposition far more sincerely intense and vehement than any which had been yet exercised against the present Administration. How were they to deal with the various leaders who had severally stood in the van of their discordant array? The hon. Member for St. Alban's, for example, suppose this resolution carried, would doubtless hold a prominent situation in the new Ministry. His noble Friend could not do less than give the hon. Gentleman some high situation—the man who originally proposed this great question, and who had succeeded his noble Friend on the present auspicious occasion. He would ask that hon. Member would he be contented to go no further? Would the dry bones of this abstract resolution satisfy? He should think not. What then would be the result of their first cabinet? But pass that over; suppose it most satisfactory and harmonious, still some of the hon. Leaders opposite must be excluded from this Government. They might all say, we have carried our measure—by the way they had not carried it yet, but suppose it carried with the perfect consent of the Commons and of the Lords, but he forgot, with their Lordships his noble Friend did not find it convenient to communicate. Suppose it carried, and, under all these circumstances—monstrous supposition!—suppose Ireland at peace—would not there be even then some nice questions to be settled amongst the hon. Members? Might it not be that the right hon. Gentleman, late Secretary for Ireland, should perhaps be excluded from the new Government, and then might he not come forward and say, “Oh, this resolution is not at all what I meant; this is only an instalment; I shall want the whole; I spoke of the Church Establishment as a disease, and I shall not be easy until this corrupting disease has been totally eradicated, completely excised.” We did certainly put it on the question of education, by uniting it with which we carried it, but now we shall bring on the Question once again in the teeth of the Government, and we shall not be satisfied unless half the property of the Protestant Church be given to the Catholic clergy. The excellence of this

resolution was, that nobody could be bound by it. Would the hon. Member for St. Alban's say that he considered it a final measure? Would that hon. Member say that he would not assist in urging on the principle still further? He would not. Well then if not, as to the majority on the other side, *ex confesso*, they were only at the commencement of it. He called then on the House in the name of common sense, first, to see how the measure recommended to them could be carried into effect, and secondly, whether, supposing it could be practically carried into effect, to examine the probability of its being safely brought into execution upon the principle propounded. If they were not satisfied on this point, he asked them if it would not be well to consider whether they were not now tempted to engage themselves in that Serbonian bog which had been alluded to, in which the farther they pressed the deeper they would plunge, until at length the rights of the Established Church would be engulphed together with the safety, peace, and prosperity of the country.

The debate was again adjourned.

HOUSE OF LORDS,

Thursday, April 2, 1835.

MINUTES.] Petitions presented. By the Duke of SUTHERLAND, from the Synod of Angus and Mearns; by the Duke of GORDON, the Marquess of BUTE, and the Earl of ROSEBURY, from several Places,—for further Church Accommodation (Scotland); and by the Earl of ROSEBURY, from Aytton, against any Grant of Public Money for this purpose.

CHURCH PROPERTY.] Lord *Plunkett* was understood to say, that he wished to address a few observations to the House on the subject of something that had passed the day before yesterday, when a right reverend Prelate had done him the honour to refer to a speech of his. Their Lordships need not be apprehensive that he should enter into any discussion or argument on this point, which might occupy much of their time. It would indicate a want of taste, sense, or propriety, if he were now to go into a debate, or to occupy much of their attention on the subject. The matter he intended to allude to was merely personal. His object was to set himself right in the opinion of the right reverend Prelate. He had no knowledge of what had fallen from the right reverend Prelate except from the public newspapers. Observations had been made in his absence,

and at a time when he had no reason to suppose that any thing that fell from him would become the subject of remark. The amount of those observations was this: the right reverend Prelate was represented as first quoting some words of his speech delivered many years ago, in which he had expressed certain opinions respecting Church-property, to have said that he regretted his (Lord Plunkett's) absence; whether the right reverend Prelate, meant to cast censure on him on account of his absence, or meant to throw ridicule on him, he was not aware.

The Bishop of *Exeter* said, that what he had said was, that he regretted that the noble and learned Lord had left the House, for that, had he been in the House, he would have corrected an erroneous opinion then put forward.

Lord *Plunkett* had apprehended that it would be imagined from the observation of the right reverend Prelate that he had left the House on purpose. The right reverend Prelate had said, that he supposed him (Lord Plunkett) to be an enemy to the appropriation of Church property to any other purposes than those of the Church Establishment or purposes purely Ecclesiastical. Having represented those as his sentiments, the right reverend Prelate had done him the honour to regret his absence from the House, as he might have supported the opinion which the right reverend Prelate attributed to him. If he took these words aright, he must say that it was quite an unmerited obligation to confer on him, to ask for his assistance to vindicate the opinions entertained by the right reverend Prelate. He (Lord Plunkett) had no right to look for such a compliment; they had not been in the habit of fighting under the same colours—they had not been fellow-soldiers—there was not such coincidence of opinion between them as to justify the expectation that he should lend the right reverend Prelate his assistance in maintaining the right reverend Prelate's opinions. If it was a compliment it was a most unexpected compliment, and it was rather an irregular way of making him incur the obligation of one considering that he was not the mover nor the seconder of, nor a speaker upon, the subject under discussion. In his opinion the impression that the quotation was calculated to produce on their Lordships' mind was, that he did not now entertain the opinions he had formerly expressed ["no"];

—that he was guilty of inconsistency ["no"]. The right reverend Prelate spoke of being anxious for his assistance. To what other inference could his wish lead? There was nothing ironical in it. There remained nothing more for him to do than to undeceive the right reverend Prelate as to the opinion which he supposed him (Lord Plunkett) to entertain. He should not go into the discussion of Church property, or of the application of it to any particular purposes; nor should he endeavour to show that the opinions he now entertained were not inconsistent with those he formerly expressed. Whenever that subject properly came before their Lordships, he should be ready to state his opinion upon it, and to vindicate his original sentiments. It seemed to him that his opinion had unnecessarily been brought before the public. The opinion of such an humble individual was not, perhaps, worthy of consideration, but having been brought forward, he felt it to be proper to set himself right with their Lordships. He stated distinctly that in the first place, with respect to the Church of Ireland—the Church of Ireland so called—the spiritual Church of Ireland, he was of opinion that that Church was to be maintained as the Established Church of the country. He had not heard any person maintain a different opinion; it was consolidated with the Church of England; and in the first place, being of opinion that an Established Church is necessary, he was of opinion that the Protestant Church was the Established Church for England and Ireland. In all sincerity was he attached to that Church. There was another question with regard to the Temporalities of that Church—that was a matter of quite a different kind. The two questions stood on perfectly distinct foundations. He should not say anything upon the question of maintaining the Temporalities of that Church. He was quite convinced that the maintenance of that Church was essential to the well-being of the two countries, and to the continuance of the connexion between them; and that whatever might be the power of the State with regard to the Church, it was a power that ought not to be rashly employed. With respect to the question, whether the property of the Church was or was not private property, he denied that he had ever said that it

must be considered as private property. If he had used the words "private property," he had committed an error, for he did not consider it private property, but corporate property of a more sacred nature than corporate property generally, but still corporate property. That the rights of all the individuals who were Members of that Church should be sustained he was not there to deny. That rights already existing should be respected he was equally ready to affirm; but he did not scruple to say that if there should be a surplus after providing for all the legal sources of the Church, that surplus was applicable to purposes at the will of the State, connected with the education of the subjects of the country. When he spoke of the country, he spoke not of one sect alone in it, not of the education of Protestants or Catholics, but of both; for their education was a public object—an object for which these funds were originally intended, and to which they ought to be applied. Whenever that question came before their Lordships he should enter on the grounds of his opinion, and state the arguments in justification of it, and should then endeavour to sustain the consistency of his opinions.

The Bishop of *Exeter* said, that he trusted their Lordships would allow him to address to them a few observations, to show that the noble and learned Lord had entirely misapprehended what had been said the other day. Not one word had then been said as to the appropriation of any surplus. A noble Marquess, on presenting a petition, had spoken of the Church property as property applicable by the State, without reference to any surplus whatever. Not having heard any other noble Lord nor any right reverend Prelate remark upon that opinion, and considering it pregnant with mischief, unfounded in itself, and dangerous to religious and even to temporal security, he had thought fit to make some observations upon it. He rose, therefore, in his place, and calmly, and not uncourteously, expressed his difference of opinion from the noble Marquess; and he did also state his regret, that the noble and learned Lord who had been present at the beginning of the sitting, had left his place before those observations of the noble Marquess were made, because he believed, that, had the noble and learned Lord been present, he would have repelled, in language more powerful

than he (the Bishop of *Exeter*) could use, opinions so at variance with what he had before expressed. There was not the slightest allusion to the Question now under consideration in another place, till the noble and learned Lord made that allusion to-night. He regretted that the noble and learned Lord should have thus taken up a statement in the newspapers; he himself did not know how it had been represented in all of them, but certainly, the Reports in those that fell in his way had not alluded, in the slightest degree, to what was now under discussion in another place.

Lord *Plunkett* had complained that the right reverend Prelate should have availed himself of his (Lord *Plunkett's*) absence from the House to quote opinions formerly attributed to him.

The Bishop of *Exeter*: The noble and learned Lord had charged him with irregularity, in doing that which, in fact, was not done. He certainly had quoted observations of the noble and learned Lord, but those observations he had a right to quote, for they had passed into history; and he had as much right to quote what the noble and learned Lord said in 1824, as he should have had to quote what Lord *Somers* or any other noble and learned Lord had said in any former period. He had a right to quote and to remark on such observations. The noble Marquess had then said, that if such was the opinion of the noble and learned Lord in 1824, they lived in times when great changes of opinion took place, and when, perhaps, the noble and learned Lord had changed his opinion too.

The Marquess of *Westminster* had made that observation in answer to the right reverend Prelate.

The Bishop of *Exeter* thanked the noble Marquess for his confirmation. All questions of irregularity being thus disposed of [Lord *Plunkett* signified his dissent]—in his opinion it had, or if it had not, then he contended for the principle, that words uttered in another Parliament might, without irregularity, be quoted now. He should now refer to another point. He should have abstained from making any reference to the question now under discussion in another place, had not the noble and learned Lord himself introduced it. The noble and learned Lord had thought it necessary for his own justification to state his opinion on that subject.

He was of course the best judge of what was necessary for the explanation, or the confirmation, or the justification, of his opinion. For himself, he had only, on the former night, quoted the opinion of the noble and learned Lord, in 1824. He had quoted it from recollection, and his surprise was, that he should have recollected it so well; but it had made a deep impression on him at the time. It was not, however, under old lights that the noble and learned Lord had held these opinions; he had held them not more than a year and a half ago, when he repeated, in nearly the same words, in July 1833, the opinions he had expressed in March, 1824. It was, on recollecting these opinions of the noble and learned Lord, that he thought the Church had lost a great champion by the accidental absence of the noble and learned Lord; and he imagined that had the noble and learned Lord been present, he would have risen in his place to repel the opinions that were put forth the other night by the noble Marquess, in presenting the petition. He should now refer to the later expressed sentiments of the noble and learned Lord. He quoted from "*Hansard's Debates*" of July 1833; but he had looked into the *Mirror of Parliament*, and he found the same sentiments reported, in the same way, almost to the very letter, with the difference only of one being in the third, the other in the first person. Indeed, the extreme coincidents of the words was such, as almost to make every one suppose that it was the same reporter who had furnished both accounts:—"He still held the property of the Church to be a sacred deposit. Nothing was more idle than to ask whether the property of the Church was or was not, under the control of Parliament? All property was under the control of Parliament; but when he said that, he felt it was a grave thing to meddle with that property, unless in case of necessity. He admitted that, in a certain sense, the property of the Church was private property; it was, however, like other corporate property: it was private property in the same sense as corporate property, and might be applied to the purposes of the corporation, and it was within the power of Parliament so to apply it. So, in the present case, the property of the Church of Ireland, every part of it, was to be applied to purposes strictly and purely Eccle-

siastical."* Those were the words of the noble and learned Lord, in July, 1833, and he intreated their Lordships to consider whether a change had not come over the spirit of the noble and learned Lord, when he said, as he did now, that the surplus property of the Church might be taken by the State; and for what purpose? for that of general education. On what principle was that general education founded? What was the principle embodied in the system of education of which the noble and learned Lord had been, if not the most eloquent, at least one of the most eloquent and ardent supporters? What, he asked, was the fundamental principle of the system of general education in Ireland? It was, that it should not be conducted according to the principles of the Established Church. That was notoriously its avowed principle. Now, let that be applied to the speech of the noble and learned Lord, that the property of the Church of Ireland was not applicable except to purposes "strictly and purely Ecclesiastical." This opinion was of vast moment at a time like the present. They had heard of noble Lords—he need not repeat the names—who had spoken of the absolute necessity of preserving, as a sacred deposit, the property of the Irish Church for purposes purely Ecclesiastical; and yet the purposes now recommended for its employment, might be in their nature totally at variance with those mentioned by such noble Lords only a year and a half ago. He did not wish to continue the discussion—he had not the other night the least wish to charge the noble and learned Lord with not entertaining opinions different from those he had formerly professed. On the contrary, he had thought that the noble and learned Lord would have supported his view of the matter, and it was with the deepest and most unfeigned gratification he felt himself able to refer to the speech of such an eminent lawyer and orator as the noble and learned Lord in favour of the Protestant population of Ireland, in this the time of their distress; and he was most grieved now to find that the words of the noble and learned Lord did not mean what he had supposed.

Lord Brougham said, the right reverend Prelate had misapprehended the ground

* *Hansard*, (third series) vol. xix. p. 863.

of complaint brought forward by his noble and learned Friend. His noble and learned Friend did not state that there was any irregularity in alluding to what had occurred in a debate in 1834. The irregularity his noble and learned Friend complained of was this—that when a noble Marquess had made a speech in presenting a Petition to their Lordships, an allusion was made by the right reverend Prelate to his noble and learned Friend, who was not then in the House. The right reverend Prelate, in answering the noble Marquess, began to quote—not the speech of any individual who was present—not any former speech of the noble Marquess whose observations he was then answering—no, the right reverend Prelate appealed to a former speech of his noble and learned Friend, who was not in his place, and appealed to it for the purpose of making an invidious comparison [“*No, no.*”] Well, then, it looked very like an invidious comparison between his noble and learned Friend who was absent, and the noble Marquess [“*No, no.*”]

The Duke of Cumberland said, the right reverend Prelate had acted under a mistake. He was not aware of the absence of the noble and learned Lord.

Lord Brougham: Oh, not aware! Why the right reverend Prelate began by saying, that he regretted the absence of the noble and learned Lord. The defence set up by the illustrious Duke was most extraordinary. In such a case well might the right reverend Prelate exclaim, “Save me from my friends.” Aided by such friends, very feeble enemies were often enabled to overcome the strongest. To show that there was no mistake it was only necessary that the words of the right reverend Prelate should be quoted. Why, the right reverend Prelate expressly said, that he regretted the absence of the noble and learned Lord, at the moment when he called their Lordships’ attention to the noble and learned Lord’s speech. Where, then, was the mistake? Why it was evident that the right reverend Prelate’s intention was to place the noble and learned Lord against the noble Marquess—to place the absent against the present. But laying that point on one side, he could not see that great change of opinion, that wonderful inconsistency of conduct, which the right reverend Prelate seemed to have discovered in his noble and learned Friend. But what surprised

him greatly was, that any complaint should come from the other side of the House with reference to change of opinion. Why, the noble Lord opposite had recently boasted much that they had got new lights and adopted more liberal opinions, but now, the declaration of the right reverend Prelate put to flight all those hopes which he had so lately entertained of seeing a new era of liberality. The cup which he had been for some time swilling in expectation—that cup of hope which he supposed that he should have received from the right reverend Prelate’s Friends, including among its ingredients the state of the Marriage-law—including relief for the Dissenters—including Corporation reform—including several other healing measures—that cup he now found to be dashed with the most bitter drug of disappointment, since he had that evening discovered that nothing gave a greater zest to the enjoyments of the right reverend Prelate and his Friends, than an opportunity of showing their affection for the old system. Why, the right reverend Prelate had twitted his noble and learned Friend with the new lights that he had acquired since 1834. [The Bishop of Exeter “1833.”] Oh! then his noble and learned Friend had a longer time, by a year, for acquiring new lights. Now, if he were to compare some noble Lords’ recent speeches, and their professions of expected liberality, with what the same noble Lords had said and done in 1833, when they were at that (the Opposition) side of the House, and he and his Friends were at the other (the Ministerial) side of the House, he fancied that he should not hear so much chuckling, if he might use the phrase, from those noble Lords, on the subject of consistency. He, perhaps, should not have risen on this occasion, but that some misrepresentation of his sentiments on the subject of Church property had gone abroad, which had originated with certain very respectable individuals elsewhere. He had been represented as an enemy—as a direct foe to the doctrine of the universal appropriation—to the education of all classes, of any surplus funds which the Church might possess, after all its wants were properly supplied. Now, with respect to the diffusion of education, he made no distinction; and if it were stated that he had done so, he would say, that it was an entire misunderstanding of his opinion. On that

point he had expressed his sentiments very strongly. He had adverted to the inexpediency—he would say nothing of the illegality of taking the Church property, and out of those revenues endowing the Catholic establishment. On that point he had stated his opinion strongly. But if it were supposed that he wished to confine educational endowments to one class, he was very much misunderstood. But suppose he were told that he had become a good deal more liberal in the course of time, why then he should only say, that he had made the change in very choice company. If he were accused of having seen and followed new lights (supposing such to be the fact), he would not defend himself from the charge, but would only say with the noble Lords opposite, that he had only followed change of circumstances and of times. He would however contend that he had not done so, and he was ready to defend the consistency of his opinions in that House or elsewhere. If any individual in the other House of Parliament chose to impugn any part of his public conduct, either with reference to what he had said or to what he had done, he was perfectly willing, taking advantage of the privilege which the House of Commons allowed, to appear at the Bar of that House, or within the Bar of that House, and there, in the presence of his old Friends and ancient opponents, to defend himself, and to advocate those principles which he had always supported. That would be according to the strict rule of Parliamentary precedent, and he should be found not to be the person who would refuse to go thither, who would refuse to appear at the Bar of the other House at any period that he might be called upon. He begged now to say that he had been intrusted from a number of the Society of Friends with a statement of the manner in which they were aggrieved by the present mode of leasing tithes in Ireland, the tithes being combined with the rent. He had been instructed to put it into the hands of the Ministers in the other House of Parliament; but unless one House could pass what it pleased into a law, he thought that he should best execute his commission by putting the statement into the hands of his Majesty's Ministers in that House, than into the hands of his Majesty's Ministers in the other House, where they were always in a

majority, and could carry what measure they pleased.

The Earl of Wicklow was proceeding to address the House, when, in consequence of a call to "order."

The *Lord Chancellor* rose and said, that there was no question before the House. The noble and learned Lord with whom the conversation originated had said, that he did not mean to enter into a general discussion, but that he only wished to explain a matter of a personal nature.

The Earl of *Wicklow* said, he did not mean to trespass on the House; and certainly he would never think of doing that indirectly which he could not do directly. He, however, regretted that the noble and learned Lord on the Woolsack had not thought it necessary to rise when the noble and learned Lord who had last spoken, and who was evidently out of order, was addressing their Lordships.

Subject dropped.

HOUSE OF COMMONS,

Thursday, April 2, 1835.

MINUTES.] Petitions presented. By MR. JAMES HOPE, from Queensferry (Scotland) for the Repeal of the Window Duty.—By MR. GROTE, MR. PRYME, SIR EDWARD KNATCHBULL, and LORD ERNEST BRUCE, from a Number of Licensed Victuallers,—for the Reduction of the Additional Duty on Spirit Licences.—By MR. BALFOUR, SIR GEORGE CLERK, MR. PRINGLE, and MR. MURRAY, from a Number of Places in Scotland, for Additional Church Accommodation.—By Colonel SIBTHORP, from Peterborough, Kettering, and other Places; and by Colonel LYON, from Salisbury, Winchester, and other Places, against the Ecclesiastical Court Bill.—By Lord MILTON, from Baptists of Kettering, to substitute an Affirmation for an Oath in all cases.—By MR. BAINES, from Cotton Spinners of Burley; and MR. AGLONBY, from Cotton Spinners of Preston, for an Alteration in the Factories' Act.

LOWER CANADA.] Mr. *George F. Young* rose, pursuant to notice, to present a Petition from certain inhabitants of Annfield and Beauharnois, in Lower Canada, expressive of their dissent from, and entire disapprobation of, the ninety-two Resolutions passed by the House of Assembly in that province in the month of February, 1834. As his Majesty's Ministers appeared disposed to remedy the grievances complained of in former petitions presented to that House from Lower Canada, he conceived that he should best discharge his public duty by briefly adverting to the nature of the petition he had now the honour to present. Abuses had existed in Lower Canada from the year 1791 down to

the present period, and the cause of those angry and irritating feelings by which the people of that colony were set against each other ought, and he hoped would, be removed by the interference of the Government. He denied that the French settlers in Lower Canada had any cause to complain that their grievances were occasioned by the English population. He was afraid, however, that from the discussions that had taken place in that House during the last two years, Parliament had been led to believe that the fault of such dissensions was in a great degree attributable to the British residents in Canada, and that the French population, which he admitted formed three-fourths of the population of the country, were perfectly free from the guilt of causing such dissensions. Now, he begged to say that, upon inquiry, he had satisfied himself that such was not the fact. These petitioners, British subjects, stated that they had great cause of complaint from the manner in which they were excluded from their common rights as British subjects, by the mode in which legislation was carried on in Canada, which gave the French population a preponderating weight, which they used to oppress and deprive the petitioners of the rights to which they were entitled. They objected to the proceedings of the majority of that House, and thus far he (Mr. Young) would say, that the proceedings of the French party in the House of Assembly were of such a character that he was quite sure they would, if properly understood, meet with the condemnation of the British House of Commons. One of the principal causes of the disputes between the parties in Canada, who were opposed to each other was caused by the futile system of tenure. But the suggestion of the hon. Member for Bath, that the English law of copyhold ought to be extended to that colony would, in his opinion be the worst plan possible. If the House would but for a moment consider the mischievous nature of the ninety-two resolutions proposed by the Local Legislature of Lower Canada, he was quite sure they would at once say, that a body so constituted was not calculated to act in a deliberative capacity, and the Speaker whom they had elected was wholly unfit for the office, for he had denounced the Magistrates of the country as a set of Magisterial butchers, and he had

even gone so far as to call the Governor of the province—the representative of his Majesty—an ignorant and bigotted politician. He mentioned these circumstances to the House in order to show the sort of men who composed the French majority in the House of Assembly, and the manner in which they attempted to exercise a control over the English population. It was in consequence of this undue influence that the present petitioners ventured to approach the House, denouncing the proceedings of the French majority of the Local Legislature of Lower Canada, and praying to be protected from that majority. He should not further occupy the attention of the House, but content himself with moving that the petition be brought up.

Mr. *Hume* was at a loss to know the real object of the petition, for he really could not gather it from the speech of the hon. Gentleman. That the British inhabitants of Canada had grounds for complaint he was not disposed to deny, but of this he was quite sure, that the French party were aggrieved also. The hon. Gentleman had spoken of the majority of the House of Assembly, declaring that they were unfit to legislate, and were not calculated to allay the irritation which unfortunately existed in that colony. He denied that such was the fact, and protested against the right of the hon. Member to charge the majority of the House of Assembly with acts of treason, for he implied as much. As to the ninety-two resolutions, he could only say, that they had received the deliberate approbation of the House of Assembly, and as such they were entitled to respect. He wished to know whether the statements made by the hon. Member were embodied in the petition he presented, for, if not, he conceived that they ought not to have been used? The hon. Member proceeded to defend M. Papineau from the attack made upon him, and stated, that that gentleman possessed the entire confidence of the House of Assembly, by whom he had been three or four times elected as Speaker, in opposition to Government.

Mr. *Ellice* concurred with his hon. Friend, the Member for Middlesex, in considering that the petition was ill-timed, as a Commission had been issued by the Government to investigate the complaints of the people of Lower Canada, and he also agreed with his hon. Friend that the grievances complained of were not con-

fined to any one class of his Majesty's subjects in that colony. Surely, however, it would be but reasonable to wait until the grounds of complaint were investigated before any such grievances were stated.

Mr. *Roebuck* was desirous of asking the hon. Gentleman who presented the petition, and who appeared as the organ of the minority of the House of Assembly, what it was that he complained of? Were not the English residents fairly represented, although they happened to be in a minority in the House of Assembly. [Mr. *Young*—"No."] The hon. Gentleman said "No;" but that only proved he knew nothing at all about the matter. Of the eighty-eight Members in the House of Assembly, twenty-five were English, although the English composed only one-fourth of the inhabitants of the colony. But the truth was, that the grievances of Lower Canada were mainly attributable to the mal-administration of its affairs in this country, and he had no hesitation in saying that the whole conduct of the Colonial Office was extremely reprehensible, for it was confided to the management of Mr. Hay, a clerk in that office. No matter who was Secretary, whether Lord Goderich, Lord Stanley, or Mr. Spring Rice, the whole of the Colonial Department was managed by Mr. Hay, and no justice could be expected so long as that person ruled the fate of the colonies.

Mr. *Robinson* rose to order, and said it was not competent for any Member, on the presentation of a petition, to go into the whole question of Colonial policy, especially when a Commission had been issued by the Government.

The *Speaker* was understood to deprecate these discussions on petitions, but to express an opinion that the hon. Member for Bath was not out of order.

Sir E. Knatchbull and Mr. *Roebuck* rose together.

Sir E. *Knatchbull*.—Will the hon. Member pardon me for one moment?

Mr. *Roebuck*.—I can hardly pardon you Sir, for I am perfectly in order.—When the hon. Member presenting the petition had made a long speech, he (Mr. *Roebuck* continued) had a perfect right to reply to it; without being interrupted either by the hon. Member for Worcester, the Chairman of the Canada Company, or by the right hon. Baronet. He had a right to complain of the manner in which the hon. Member (Mr. *Young*) had spoken

of the House of Assembly, where proceedings, he had said, verged upon treason.

Mr. *Young*.—I did not say so.

Mr. *Roebuck*.—The hon. Member only a few minutes ago had acknowledged, across the Table, that he had used the words "verging upon treason." He (Mr. *Roebuck*) begged to say that justice would and should be done to that colony.

Mr. *William Gladstone* was sorry that this debate had assumed such an aspect and that the hon. Member for Bath had indulged in such extraordinary and unwarrantable assertions. He did not say that the hon. Member was out of order; but this he would say, that the hon. Member, after the understanding which had been come to by the House respecting discussions on the presentation of petitions, was not justified in going into the statements he had just made. Was he justified in professing a knowledge of the interior concerns of the Colonial-office, which he (Mr. *Gladstone*) was not aware that the hon. Member had any peculiar means of obtaining? Was the hon. Member justified, after complaining of the attack made upon M. Papineau, who was absent and could not defend himself, in immediately after making an attack upon Mr. Hay, who was also absent, and could not defend himself? He begged to say that the attack was a most unfounded one.

Petition laid on the Table.

CHURCH OF IRELAND—ADJOURNED DEBATE.] The Order of the Day for the resumption of the adjourned debate having been read,

Sir J. *Campbell* said, that he would, for his part, cheerfully abide by the contract into which the House had entered at the adjournment of the debate last night, that hon. Members should make a contribution out of their speeches to public convenience in order that this great and important discussion might to-night be brought to a close. He should have been disposed altogether to have waived any right he might have to address the House on this occasion, but for the circumstance that no Member from that part of the United Kingdom which he (Sir J. *Campbell*) represented, had as yet taken part in the debate. It appeared to him, that this was a question of all others, on which the feelings of every part of the empire should be plainly expressed; and, representing as he did, a constituency which would yield to none

in independence and intelligence, he would say, that the sentiments not only of that constituency, but of the majority of the people of Scotland, were in unison with those he was about to express. The Resolution of the noble Lord, the Member for Devonshire, met with his entire approbation; and he thought that the happiness of this great empire depended upon the success of this measure. He approved of the connexion between Church and State. He was of opinion, that it was dangerous to trust entirely to the voluntary principle for the support of religion, and that it was a fallacy to apply to this Question the principle of the supply being equal to the demand. He thought, that a religious establishment was necessary to afford religious instruction to the poor, and was especially required in some of the more remote parts of the country. The Establishment and the voluntary principle worked best together; the Establishment corrected fanaticism, while the voluntary principle tended to prevent sloth and apathy. On these principles he respectfully and reverently approved of the Established Churches in England and Scotland, and, with certain reductions he approved of the Church in Ireland. The Established Church of England accorded with the sentiments of the majority of the people; her revenues were not excessive, although the distribution of them might be improved. He was a friend to that Establishment, but he desired to see it made more generally useful by the abolition of pluralities, by the enforcement of residence, and by the removal of other abuses. But he looked on that Establishment as undoubtedly productive of the greatest benefit to the people of this country. When he turned to the Establishment of his own country, he regarded it with pride and exultation. There it met and harmonized with the religious sentiments of the community; its revenues were not excessive, and he wished they might remain untouched. With respect to what had lately been said by the hon. Member for Oldham, he would not give any opinion, whether or not it might even be useful, that the endowments of the Church of Scotland should be extended. There were certainly two places in Scotland, Montrose and Edinburgh, where aid from the public seemed necessary as the whole expense of the Establishment was defrayed by an

assessment on the resident inhabitants, whether they were Presbyterians, Episcopalians, Catholics, or Dissenters. In his judgment that was a great grievance. It arose from a seizure by the state of the property intended for the support of the clergy, and as the property had been abstracted by the State, it was worthy of consideration, whether the State now ought to supply the necessary funds. When he came to Ireland, if the question were entirely *res integra* he should have long hesitated before he thought it right that a Protestant Establishment should be introduced into that country, because the vast majority of the people were of an opposite faith, but finding the Protestant Church established, he would decidedly say, let it at least be accommodated to the religious wants of the Protestant population. He maintained, that the funds of that Establishment were excessive, and ought to be reduced, and applied to a more beneficial purpose. There had been a great deal said of the amount of the revenues of the Established Church in Ireland, he cared little for the exaggerations on either side, but he looked to the broad fact, that the Establishment in Ireland was now as great as the national Establishment was in the times of Popery, when the whole mass of the people was of the Established religion. The tithes, which were then collected for an Establishment administering to the spiritual wants of the whole population now belonged to a Church, whose religious tenets were embraced by a small minority of the people. The Protestant Episcopalians of Ireland were not more than one-tenth of the population. They were told, that the revenues of the Irish Church did not exceed 400,000*l.* or 500,000*l.*, because the net revenue was not larger than that sum. But the gross revenue of the Irish Establishment was nearly 1,000,000*l.* sterling. If, then, one-tenth, of the population required an Establishment paid by the State at the rate of nearly 1,000,000*l.* a-year, according to this ratio it would take about 8,000,000*l.* to provide for the Church Establishment of all the population of Ireland. Was not that excessive? If then they looked to those who were under the spiritual care of the Irish clergy, they would find, that the Establishment maintained for their religious instruction was ten times as great as the endowments of the Church in England or Scotland,

Let them look also to the melancholy consequences of this state of things, both with regard to the state of religion, and the constitution of society. They had been told, that churches had multiplied, but he was sorry to say, that the congregations had decreased, and what benefit was it to build churches, which were not frequented, which were considered a grievance even by those for whom they were intended, while they were regarded as an insult to those who were of a different faith? The hon. Member for Oxford University stated, that there had been a great increase of churches within the last ten or twelve years, but he had not denied, that within the same time the Protestants in Ireland had greatly decreased. With regard to the increase of churches in Ireland, he would state to the House, that about a year and-a-half ago he visited that beautiful and hospitable country, when there were pointed out to him, upon the most undoubted evidence, various instances of churches erected where there were no Protestant congregations at all, but merely as a job to the builder and carpenter; and he remembered one instance, where it was proved to him that so miserably had the job been done, that the Church had fallen several times, and that they were actually increasing the rates for the purpose of rebuilding it again. When it was found, that such proceedings as these took place, he would ask what the effect must be on society? Could there be a doubt, that the payment of tithes to a dominant Church under such circumstances, had been the great cause of the enormities which had been committed during a series of years in that unfortunate country? It was evident on all hands that it was felt to be an insult and a grievance to be compelled to pay tithes to a Church professing a religion different from that of the payers, and it was notorious that the Irish looked upon that payment as a badge of subjugation. Hence their resistance to the payment of tithes, hence their disposition to disobey the laws, which had been the origin of many crimes. It was, however, only what might have been expected by any person who had a knowledge of human nature, for it was utterly impossible to suppose that an attempt to force a religion upon men which was regarded only as a badge of their subjugation, should have any other effect than to occasion them to

cherish a hatred of the cause and abhor the law. There had been various allusions made in the course of the debate, to his native country. The noble Lord opposite (Lord Stanley) had stated, that in the beginning of the 17th century there was very little animosity existing between the Episcopalians and Presbyterians; but he would tell the House that when an attempt was made by the Stuarts to thrust Episcopalianism on the Church, that the Presbyterians came to regard the doctrine as worse than Paganism itself. He could not forget the language of the great Marquess of Argyll, whose feelings were not exempt from the prejudice which the proceedings in favour of prelacy had caused. His dying words were that he hated Popery, prelacy, and all superstition whatsoever. Such was the state of feeling in Scotland, that at the time of the assassination of Archbishop Sharpe, that assassination was actually approved of by a majority of the people. There was nothing in recent times to be compared to that assassination, and yet it was a common observation by the people of Scotland that the killing of the Archbishop was no murder. All industry was then suspended; the state of the country proceeded from bad to worse; so that at the end of the 17th century it was in a worse condition than it was in the time of James 1st. There were constant conflicts until the Revolution of 1688 when the persecution ceased. Scenes occurred more serious than what had taken place at Carrishoch or at Rathcormac. Need he remind the House of Drumcleugh and Bothwell Brig where much blood was shed. And ought not this example to lead them to try to accommodate the present state of the Irish Church to the religious condition of the country? He said that the House ought to reduce the Establishment to such a degree as would be adequate to the religious wants of those who professed the Protestant Episcopalian faith in Ireland. Much might be done in that way. The number of Bishops and Archbishops might still be reduced; and he apprehended that their incomes were excessive as compared with the incomes of the prelates of England. But it was said that Church-property was for ever inalienable! Whatever its amount might be, and however few there might be who belonged to the Established Religion, the property which was once given should for

ever remain in possession of the Church. For this doctrine there was no warrant—nothing in the Scriptures—nothing in the law of the land. It was a remnant of Paganism. It was the Pagan doctrine, that that which was once appropriated to religious purposes never should be diverted to any secular use. Clodius the infamous had dedicated the Palantine Houses of Cicero, to the Goddess of Liberty, and it was not till Cicero had delivered one of his most eloquent orations that he was allowed to have that property restored. The doctrine originated in the Pagan religion; and was afterwards adopted by the Catholics. He spoke it without offence to any Member of that persuasion, but they very much encouraged the notion, that what had once belonged to the Church could never be alienated from it. That practice went on to the time of the Reformation, and then the custom was still so much countenanced, that it was then said no good title could be made to any property which had belonged to the Church; and property which had belonged to the Church was sometimes sold at an under price. But could it be expected that the doctrine of Pagan religion—that the doctrine of Popery—that those doctrines which were exploded in the middle of the 16th century should be revived in the 19th century, and should be made the subject of legislative enactment? He held an opinion, which he had formed after great deliberation, that the property of the Church ought not to be touched while it could be beneficially employed for the Church; but it was the property of the State; the State conferred it, and the State might take it away when it could be of no further use to the Church. He knew of no distinction between functionaries in the Church and other functionaries. Those who ministered at the altar ought to be supported by the altar—so said the Scriptures. A judge in a Court of Law was to be supported; a Minister of State was to be supported; those who fought the battles of their country were to be supported; but he knew of no distinction between one functionary and another. All were to be supported by the State for their various services, and when those services for any reason were no longer wanted, the funds appropriated to pay them might be taken away. He apprehended that what he had said was fully supported by the his-

tory of tithes. All who had studied that history knew that tithes were originally in the nature of a property-tax. The Christian religion was planted in this country probably some ages before tithes were known. At that time there was very little personal property. Married women could only be provided for by a dower of the third part of the land of their husbands, and the only mode by which it was found religion or the clergy could be provided for was by a property-tax of a tenth of the produce of the soil. But at that time the tenth was not all given to the clergy only—the division was fourfold—one part to the Bishop, one to the incumbent, one to the fabric of the Church, and a fourth to the poor. So were tithes appropriated in their origin, and he would contend that tithes still continued to be of the same nature, and subject to the control of the state. Tithes were not the voluntary donation of the faithful; they were imposed by the Legislature, and though they had now become property, to be held separately like the unredeemed Land-tax when given to a stranger, from the land, in their origin they were a Property-tax. Then, with regard to the land with which the Church was endowed, generally speaking that likewise belonged to the King or the state; and whether the clergy were supported by landed possessions, or by pecuniary incomes, was quite immaterial; if by pecuniary income, and that was too much, it might be diminished; if by land, and that was too much, that might in part be taken away. Within the last few years the salary of the Chief Justice of the Court of King's Bench was diminished; it had been 10,000*l.* a-year, but it was now reduced to 8,000*l.* The Chancellor of Ireland's had been 10,000*l.*, it was reduced to 8,000*l.* Was there any crime in robbing the law, or in reducing the incomes of the law functionaries? He knew of no distinction between the law and the Church in this respect. It was thought, wisely or not, was not the question, that those incomes were excessive, and they were reduced, without any injustice to any part of the community. If that were so, he wanted to know why the Legislature might not deal with the clergy as it dealt with any other public functionary in the land? When it was said, that however great the property of the Church might be, it could never be touched, he would

ask, supposing that half the property of the whole country belonged to the Church, and that that was a crying evil in the mouth of every one, could it be said, under those circumstances, that such property could not be touched? Before the reformation in Scotland not less than one-third of the property of that country belonged to the Church, but they afterwards dealt wisely with that property, because they allotted a distinct proportion of it for those who administered at the altar, and applied the rest to useful purposes. If that were so, there could be no doubt that the Irish Parliament, before the Union, would have had a right to reduce the Church Establishment to the wants of the people, and to have lowered the salaries of those in the Church whose incomes were excessive. The Under-Secretary for the Colonies had allowed that that might have been done in Ireland before the Union; and if so, what had occurred since to prevent the same power from being exercised by the Imperial Parliament? There had been a legislative Union; we were now one great united empire, and he hoped we should continue so for many ages; but would it be said there must be a uniformity of religious feeling—that there must be one religion for the majority of those who formed the legislative Union? He knew of no such law; it was contrary to anything that could ever have been contemplated by the population of Ireland. Then, what was there in the articles of Union that forbade the proper and adequate reduction of the Church Establishment to the wants of the people? He apprehended that all the articles of the treaty of Union were to be interpreted and construed or modified according to what the public good might require. Of this the House had a most distinguished instance in what took place during the time the right hon. Baronet opposite was at the head of the Home Department. By the articles of Union with Scotland it was provided that there should be a Court of Admiralty in Scotland, and that that Court should be preserved. With the sanction of the right hon. Baronet not only were measures in contemplation for reforming that Court, but on finding it could not be reformed, so as to be useful, it was entirely abolished. There was at that time no cry of a violation of the articles of Union between Scotland and England. As Mr. Speaker

also well knew, the Court of Exchequer in Scotland, which was likewise recognized by the articles of Union, was, if not entirely abolished, so much modified that there was now no separate judge of that court. That certainly had been for the benefit of the Scottish population, because, the business was now better done; and Mr. Speaker instead of proceeding in a mock court, which sate to adjourn, was now most usefully employed in presiding over their deliberations. That being so, there could be no objection to an amendment in the law affecting the clergy. Even if instead of the Church property having originally belonged to the state, as he averred, and having been conferred by the state, it had been the gift of an individual, the proposition of the noble Lord, the Member for Devonshire, was altogether without exception. He would not say that all mortmain property the moment it was in mortmain belonged to the state, and might be diverted to any purpose. With regard to property in mortmain, the will of the donor was to be observed as long as it could be so beneficially; but when a change of circumstances arose, and it was found that the plan which the donor had in view could no longer be acted on, then, according to the principles of equity, the principles of jurisprudence, and justice, the will of the donor was no longer to be regarded, because it was to be presumed, that if he were alive he would dispose of the property in another way. It was well known that in a court of equity, when property was given to a charity and found no longer to answer the original purpose, a reference was made to an officer of the court to approve of a scheme analogous to the original purpose, and which the donor, if alive, would have been likely to assent to. Then, if this property was conferred by individuals, to whom was it a gift? It was a gift by Catholics to the Catholic religion. With reference to that religion he would remark, though he sincerely esteemed and loved many of its members, yet, when he considered the power it gave to the priesthood, and its tendency to enervate the human mind, the dislike with which he contemplated it in his earlier days was not at all diminished. But at the same time he must state, that the Catholic religion, such as it was long prior to the Reformation, existed nearly the same to the pre-

sent day; and it was monstrous to suppose that those who had endowed it with property at that time, would, if they existed now, apply it to the purposes of the Protestant clergy. He thought it but fair to presume, that if the present state of affairs could have been foreseen, the parties bestowing the property would, in the words of the Resolution, have recommended the application of the funds in the way now proposed—that is, to the moral and religious instruction of all parties. They were told that this was not the time to bring forward the Resolution of his noble Friend. Some said, wait for the Report; others threw out taunts with respect to what had taken place last Session. The noble Lord (the Member for Lancashire) had said, he cared not about the Report; it was immaterial to him whether the amount was large or small in proportion to the number of Protestants to be instructed, still Church-property was inviolable. With regard to the charge brought forward against them, as to the difference in the proceedings now and what took place last Session, he would remind the House of the Resolution of the right hon. Baronet, whereby the Church-property of Ireland was to be for ever appropriated to the Protestant Church. The right hon. Baronet declared, that that Resolution was nothing at all, and it was carried by a small majority. But it would be a totally different thing when the Bill to carry it into effect was brought in, because the Act framed on that Resolution would have to declare and enact that from all time thereafter *in secula seculorum* there should be no further Reform in the Irish Church, and that though the number of Protestants should become ever so small, still the appropriation of the property should remain the same. When the right hon. Baronet came and stated that it was quite time the opinion of the House should be taken on the real Question, this made the difference, and it made this the latest time at which an effort could be made to rescue the country from the calamity of such a Bill being enacted. He did not doubt from the course the debate had taken, that the Resolution would be carried by a large majority. What the effect of that might be he was unable to say; but he would state most sincerely, that he should rejoice to find that the right hon. Baronet bowed to the opinion of the House; that even after some “sharp

convulsive pangs of agonizing pride,” he yielded once more, altered his course, and conformed to the will of the majority of that House, and the general sentiments of the country. If he would do so upon this and other subjects—upon the appointment of those whom he sent to Foreign Courts, and upon his general policy, foreign and domestic, he, for one, wished that the right hon. Gentleman would continue to sit where he was. He was connected with the late Government, and he could truly say, that to return to office was no object of ambition with him. From the station he occupied at the English bar, it was more desirable and more profitable to him to remain a private Member in that House. But if the right hon. Baronet would not change his course, if he still persisted, or (without meaning any disrespect to him) if he allowed himself to be guided by those who were associated with him in office, then it would be of the last importance for the good of the community that the present Administration should be brought to a close as soon as possible. He sincerely loved a monarchical form of Government, he wished the prerogative of the Crown to be preserved, but he would say, that prerogative and the monarchy of this country had sustained a deep wound from what had taken place within the last few weeks. The right hon. Baronet could not suppose that he could without ruin to the country attempt to rule contrary to the inclinations and wishes of a majority of the House of Commons. The precedent of 1784 formed no analogy to the present. Now, for the first time in the history of the English Parliament, the Prime Minister, having a Parliament of his own choosing, was in a minority, and yet he remained in office. In the Parliament of 1784, Mr. Pitt was undoubtedly in a minority, but that Parliament had been called by his rival, Lord North, and he had the voice of the country with him. Could the right hon. Baronet believe in his conscience that his Cabinet had had the voice of the country with them? He could only say, that he believed from all he could learn, and from all he had heard, that the present Cabinet had done enough to destroy their public character in the eyes of the community, without giving satisfaction to any class whatever. They had gone far enough to show they had no regard to consistency, but they had not gone far

enough to satisfy the just wants of the community. He would not enter into any severe examination of the votes, nor criticism of the conduct or speeches of the right hon. Baronet, but looking at his Cabinet, he would say, that their present conduct, though they did send Lord Londonderry to Russia, though they did vote against the London University having a charter, had utterly disgraced them in the opinion of the British public. Indeed, he might say the right hon. Baronet himself had not ventured to defend his Cabinet. He had only talked of his own consistency; he had thrown his colleagues overboard. But was the nation still under similar rule to the three weeks during which the Duke of Wellington was the sole adviser of the Crown, and set a most dangerous precedent? Did they still live under a dictatorship? Was there only one responsible adviser of the Crown? Did the right hon. Baronet absorb in his own person all the offices of the state? If that was so, they must look back to what was done when the Duke of Buckingham and Lord Strafford followed a similar line of conduct. It seemed to him to be of the last importance, that if the right hon. Baronet would not conform to the will of the majority of the House and of the English nation, he should make way for another Ministry; whatever Ministry the King might form, it must have the confidence of the House and of the people. They had heard of disturbances; he disliked agitation; he would say *peto pacem*; but the only way to prevent agitation was to have Ministers of the Crown who would adopt such principles, and bring forward such measures, as would be in conformity with the wishes of the people. He would, before sitting down, observe, that he had heard the speech of the noble Lord the Member for Lancashire last night with unfeigned sorrow. He said so for that noble Lord's sake; he said so for the sake of that noble Lord's reputation. Having had an opportunity of knowing the vigour of intellect, the eloquent, the noble, and independent spirit and liberal principle of that noble Lord, it did afflict him more than he could describe to hear him openly declare, that however great the property of the Protestant Episcopal Church in Ireland might be, and however few its Members, in his judgment that Establishment should continue for all time to be supported as it now exists. He did not mean to say

anything disrespectful of that noble Lord, but it did seem to him that the noble Lord laboured under some sort of monomania on this subject. He went beyond the hon. and learned Member for the University of Dublin, or the hon. Member for the University of Oxford. He hoped, however, that this question would be soon settled, and that the noble Lord would be restored to that party of which he might be the life and ornament. Then, with respect to the opinion of another noble Lord, whom he esteemed even still more than he did the noble Lord, the Member for Lancashire, he thought he was fully entitled to set off the opinions of Earl Grey against those of the noble Member for Lancashire. He certainly had, personally, no authority to state what the opinion of that noble Earl was, or that he concurred in the sentiments expressed by himself; but he had the greatest reason to believe the noble Earl's opinion was in favour of the Resolution. He differed from the noble Lord respecting the 147th clause of the Tithe Bill—the appropriation of the Church-property; and, if there had not been that unfortunate difference between them, they never would have separated. He conceived, therefore, that he was perfectly right in stating that that noble Earl's opinion was to be taken as favourable to the Question now before the House. That noble Earl was not one universally admired for his talents, but he was allowed, even by his political opponents, to be a man of moderate, rational, and constitutional political principles. He would not detain the House longer. He hoped he should be considered as having performed his part of the contract to be short. In what he had stated, he had certainly intended nothing personally disrespectful to the right hon. Baronet opposite, with respect to whom he would only further add, that the right hon. Baronet could not, in his heart, be a bigot, that he had great hopes of the right hon. Baronet's conversion, and he could almost say, *cum talis sis, utinam noster esses*.

Mr. Richards agreed with the hon. and learned Member for the Tower Hamlets, that it would be presumptuous for any one to set up a standard for all others in religious matters, as all were amenable to God, not only for the sentiments entertained, but for their actions in life. The noble Lord, the Member for North Lan-

cashire, to whose talents he bowed with the greatest deference, seemed to lay it down last night as a proposition not to be departed from, that the property of the Church was inalienable, and that the House was bound to regard it in that light. He even ventured to put the extreme case, a case that seemed to startle the House, that if it should be seen in any part of Ireland that there was not a Protestant to be found, the Church-property even there was still inalienable, and that he should support that proposition. The right hon. Baronet near him, and the hon. and learned Gentleman, the Solicitor-General, appeared to contend that the property of the Church was perfectly inalienable, as if it were a something which was created, not for the good of the people, but for the benefit of a class. That certainly was not his view of the question; he had not so learned to judge of what was due to the people of this, and other countries: however, the Church of England and Ireland was established by law, and the question was, should or should not that Church be continued under its present form, as now established? Now, that question was one which he thought ought to be discussed solely upon grounds of expediency; upon those grounds, and upon those only, should he give his vote. Supposing that he had to state what appeared to him the proper course to pursue, in settling the religious system of a state *de novo*, it mattered not to him whether the population of that State amounted to 100, or 1,000,000, the principle would remain the same; and that, according to his opinion, should in such circumstances be the voluntary principle; in a new State, so circumstanced, it was the only expedient, the only just principle, being as it obviously was, a following out of the great Protestant principle of the right of private judgment. But the Legislature of the United Kingdom of Great Britain and Ireland, had a different duty to perform. The Church—the united Church of England and Ireland—was by law established, and had been so for centuries. In consequence of having been thus long and completely established, it became interwoven with, and inseparable from all our civil institutions, united and identified with all our feelings and interests. The question, then, with which the House had to deal was, not one of abstract right, or of experimental policy, but one having re-

ference solely to the most expedient way of managing the revenues of a Church, not that had existed, or was expected to exist, but that now at the present moment was in full being, and in complete operation. The question, then, must be discussed solely upon the grounds of present expediency; and upon those grounds he should decide it. He complained that the terms of the noble Lord's Motion were disingenuous. The noble Lord did not openly and manfully declare the Established Church of Ireland unfit for the purpose for which it was intended; and, therefore, that it ought to be abolished, and some other mode of religious belief set up in its stead—though his Motion, stripped of all disguise, is to that effect; what, indeed, the noble Lord had failed to do, his right hon. Friends about him had abundantly said; and in endeavouring to understand the object of the noble Lord, he looked not merely to the terms of his Motion, but to the speeches of those by whom it was supported. If the object of the noble Lord were to subvert the Protestant Church in Ireland, and establish in its place the Roman Catholic, let him speak out. The institutions of the State ought to be for the good of society; and, if the noble Lord could show him that the peace and happiness of Ireland could only be ensured by subverting the Established Protestant Church, and establishing on its ruins the Roman Catholic, the noble Lord should have his support; but he believed that the noble Lord could show him no such thing. What were the facts? The United Protestant Church of England and Ireland was established by law; but all other religious persuasions enjoyed the protection of the State. In this respect there was a wide difference between the Protestant and the Roman Catholic Churches. What, indeed, was the great distinction between the two? Why, the Roman Catholic Church admitted not of the exercise of private judgment, but set up the authority of the Church. Between the Church of England and Ireland, and Protestant Dissenters of all persuasions, there was one great common principle. They equally protested against the authority of the Church of Rome, and insisted on the right of private judgment. He found no fault with another man for a difference in doctrine; but the Protestant religion was better calculated to promote and uphold civil and religious liberty,

than the Roman Catholic. But the noble Lord, the Member for Devonshire, would not admit his statement of the question. He moved for a Committee "in order to consider the present state of the Church Establishment in Ireland, with the view of applying any surplus of its revenues not required for the spiritual care of its members, to the general education of all classes of the people, without distinction of religious persuasion." The Motion assumed that there was something wrong in the present state of the Church of Ireland—it assumed that the revenues of that Church were more than enough for its legitimate purposes—and it pledged the House to apply the surplus revenue, that it assumed to exist, to the education of the people. With respect to the assumption, that there was something wrong in the present state of the Church of Ireland he distinctly avowed, although nothing would induce him to consent to the abolition of the Church, he was quite ready to assist in correcting those imperfections and abuses which, either the lapse of time, or the decay incident to all human institutions, might have occasioned. As regarded the second assumption of a surplus revenue, let it be proved to exist; and he should then be quite ready to assert the right of the State to apply such surplus as would best conduce to the benefit of the people. But he distinctly opposed the noble Lord's proposition, that the House should pledge itself, if there were a surplus revenue, to apply it to the purposes of education. There were three parties deeply interested in the satisfactory settlement of the present Question—the Catholics of Ireland, the Protestants of that country, and the people of England; and the material consideration, therefore, in legislating upon such a Question was, to see how they could best meet the views of the three several parties. In coming to a right judgment upon a question of that nature, it was to be borne in mind that there existed in Ireland a strong religious feeling—that Protestants were not mere believers, but steady, earnest, zealous, and devoted in their attention to religious observances; the same was true of the Roman Catholics. He had lived much in that country, he had partaken of the hospitality of both Catholics and Protestants, and from his knowledge of them he could testify to the force and depth of their religious feelings. Hon. Members, then, should take along with

them the existence of such feelings, should make due allowance for them, should take care that no legislative proceeding received their sanction that was calculated to wound those feelings, or in any way inflame the passions of so excitable a people. He should now come to consider the scheme of the noble Lord, the Member for Devonshire, by which he proposed to settle the Question; that scheme amounted to this: he proposed to take a part of the revenues of the Church for the purpose of applying them to the education of the people without distinction of sect or creed. He could not help complaining that the terms of the motion were disingenuous. No surplus revenue was as yet ascertained, and it was an actual deduction that the noble Lord proposed from the revenue as it stood, for the purposes set forth in this resolution. He (Mr. Richards) objected to this, as a taking of the property of the Protestants to give it to the Catholic religion. It had been stated, and he was not then about to question the statement, that the Catholics formed about seven-eighths of the people of Ireland; then the effect of the resolution would be to take the property of one-eighth and confer it upon the other seven, or rather on the whole population. In his opinion, then, the terms of the motion were open to objections enough, but he looked not merely to the terms alone, but the speeches that had been made in its support, as well by the right hon. Member for Staffordshire, and by the right hon. Member for Nottingham, as by other Members in that House. Those right hon. Gentlemen were distinguished members of a highly respectable party, and they contemplated bestowing the funds of the Protestant Established Church upon the Catholics in Ireland. He had put down the words of the right hon. Gentleman, the Member for Nottingham, who required that the Catholics should be allowed "to participate in the advantages of the Established Church." In what way participate? In the religious advantages they had no desire to participate—in what, then, could they participate, unless in the revenues? The right hon. Gentleman, the Member for Staffordshire, had said, that in most of the Lutheran countries of Europe an equal provision was made for the ministers of all religions. He would ask, why had the right hon. Gentleman adverted to that circumstance, unless it were for the purpose of holding

out the practice as an object of imitation to the people of England? Why, also, was there an allusion, by the same right hon. Gentleman, to the circumstance of the Roman Catholics of Ireland forming 7-8ths of the whole population, unless with a view to bestowing a large proportion of the revenues of the Established Church upon the Roman Catholics? Although he desired to see the abuses of the Established Church remedied, and its income applied to the best advantage, he could not bring himself to support the motion of the noble Lord, the Member for Devonshire, for he feared that its adoption would be the signal for civil war. The Protestants were in possession of the revenues of the Church, and did any man suppose that they would give them up without a struggle—and did any man in his senses doubt that violence and bloodshed would thence ensue? The House had to consider not only how the plan would be received, but the probable consequences to which it would lead. Could the noble Lord go down to his constituents, after having been the leader in such a proceeding, and tell them that he had accomplished any practical good for the people of Ireland, or for the community at large? Could he tell them that he had been the advocate of anything more than a mere abstract proposition? Had he done anything towards feeding the hungry or clothing the naked? Of nothing so beneficial could the noble Lord boast; and whenever he might present himself to his constituents, he could lay claim to no merit as respected his proposition, for the benefit, or rather the alleged benefit, of the people of Ireland. Besides that, whenever and wherever questions of that kind came to be discussed, the parties discussing them would recollect that the Whigs had passed the Septennial Act—that they had introduced the excise, and would have forced it into private houses if they could; they would recollect, too, who was the unsuccessful author of the Dissenters' Marriage Bill. It was now, then, for the House to consider what had best be done under the circumstances of that unhappy country, for it was quite evident that the scheme of the noble Lord, the Member for Devonshire, would never do any good—that it would never satisfy the people of either country, and that it would lead to nothing but confusion and bloodshed. With the permission of the House, he

would himself lay before them a plan which he thought would meet the occasion—he would revert to the original design of tithes. They were, as it was well known, chiefly intended for the benefit of the poor, and the mass of the people of Ireland came under the description of poor. The right hon. Gentleman, the Member for the town of Cambridge, stated in the strongest manner the case of the poor, and acts of Parliament fully recognized their rights. By more than one statute of Henry 8th, the claims of the poor were fully admitted, and Dr. Doyle, in his celebrated letter to the right hon. Gentleman, the Member for the town of Cambridge, said, “there is little doubt that in the more ancient and pure times of the Church all its revenue was the patrimony of the poor;” and Selden, whom he could add to the authority of Dr. Doyle—Selden stated that between the years 800 and 1200, tithes were called *patrimonia pauperum et stipendia pauperum*—they belonged to the poor, and were granted to the clergy in trust *non quasi suis, sed quasi commendatis*. He could not be brought to believe that if there were any surplus it ought to be given to education—it ought to be given to assist the aged and the infirm, to feed the hungry, clothe the naked, and provide generally for the wants of those who could not provide for themselves. By every motive of humanity, by every consideration of a prudent policy, he entreated the House to look to the origin of tithes, and pay some respect to the wishes of those by whom they had been granted. The 27th of Henry 8th, cap. 28, and the 31st of Henry 8th, cap. 13, which gave the property of the monasteries to the King, contained an express saving of the rights of the poor, and Dr. Doyle, at one time, nearly resolved to try the question of that right, but he said that Lord Manners was Chancellor, and that the temper of the times was unfavourable. Having done all in his power to press upon the attention of the House the claims of the poor, at least so far as it was in his individual power to do so, he should now proceed to urge those claims in language much more eloquent than any of which he was master. In the words of Dr. Doyle, he should say—“You complain of rack-rents and tithes, and want of employment, and of the ejection of poor tenants from their holdings. There is but one legal remedy for these evils—let no man deceive you,

there is but one remedy for them, and that remedy is a legal provision for the poor. Let every man, therefore, who wishes that a competition for land should cease—let every man who desires to see the poor exempted from famine and disease—who desires to see the widow clothed, the orphan fed, and the stranger taken in,—let every man who is sincerely anxious that the law of nature be not violated, and the law of Christ fulfilled, petition Parliament to enact a legal provision for our poor. Let every man who is sincere in his professions of desiring to see the income derived from the soil of Ireland expended within the country in the improvement of that soil, and in the employment of a people to be supported as labourers, that they may not be paupers, let every such man lay aside his doubts and fears, or schemes of personal profit to be realized from the life-blood of his fellow-countrymen,—let every such person petition Parliament for a legal provision for the poor.” To this he should not attempt to add anything. He should content himself with saying, that if the House affirmed the Motion of the noble Lord, he should move as an Amendment, to leave out the words in the original Motion “the general education of all classes of his Majesty’s people, without distinction of religious persuasion;” for the purpose of adding these words, “be applied to the relief of the poor in such manner as Parliament in its wisdom shall see fit.” [Mr. O’Connell: “The hon. Member has not stated how he will vote.”] The hon. and learned Member for Dublin had reminded him that he had altogether forgotten to say which way he intended to vote. Now, he would say, that seeing the dangers to which the Resolution of the noble Lord would lead—seeing that with all the noble Lord’s wisdom and sagacity, with all the long time which he had occupied in the concoction of that resolution, assisted as he was by his party—he had at last only produced a measure which, if acted upon, would lead directly to a civil war in Ireland, he (Mr. Richards) felt that he should degrade himself and depart from the duty which he owed to his constituents, and to the country at large, if he voted for it. He would cordially join in meeting it with a direct negative.

Mr. *Sergeant Wilde* assured the House that he was at all times unwilling to obtrude himself on its attention, and in

doing so on this occasion he would bring as a claim to their patient indulgence, the intention to confine himself strictly to the merits of the question before them. The importance of that question was admitted on all hands. The discussions on it would go forth to the public, and it was more than insinuated that the public would take a very different view of it from that which he confidently hoped would be taken by a large majority of that House. To prevent any mistake being made elsewhere as to the grounds on which he should vote, he felt it necessary to state the opinions which he held on it. It appeared to him that notwithstanding its importance considerable misrepresentations had already been made as to the nature and objects of this Motion. Objections were made to it on the ground of the form, the time, and the circumstances under which it was brought forward. He knew nothing of the intentions of the noble Lord who brought the Motion forward but what he learned from the proceedings in that House, but he owned that he did rejoice that it was brought forward at the present time and in its present form; and when it was said that it was a question of confidence or no confidence in Ministers, he did hope, that in the sense in which he viewed it, it would not be decided without reference to that question, and, in that respect, he thought it was wisely, judiciously, and fairly presented to their notice. The right hon. Baronet (Sir Robert Peel) had himself more than once expressed a hope that the question should be so placed before the House, and it was only fair towards the right hon. Baronet that he should be placed in a situation to know, and that hon. Members should have the opportunity of showing to their constituents, what were the opinions of the House with respect to the right hon. Baronet’s Administration. Circumstanced as the country now was, he thought it was the duty of hon. Members to lose no time in stating, if they so thought, that they had no confidence in the present Government. The noble Lord had, therefore, he repeated, taken a wise and judicious course in submitting this question as a test of confidence or no confidence in the present Administration. The right hon. Baronet was admitted on all hands to be possessed of admirable talents, and there was none in which he more excelled than the talent for debate. If, then, the question of confidence or no confidence

had been brought forward in a simple and isolated form, no man knew better than the right hon. Baronet how such a question could be defeated. He could easily imagine the arguments by which the right hon. Baronet would attempt to show how little grounds the House had for taking such a course, and how little information the House yet possessed for coming to a conclusion on a motion in that shape. What were the circumstances under which the right hon. Baronet came to office? He would admit that the right hon. Baronet had not accepted office from any interested or ambitious motives. On the contrary, he did the right hon. Baronet only justice in believing that he had taken office solely from a sense of public duty. If the House should declare its confidence in him, no doubt a sense of duty would urge him to continue his services to the Crown and to the public; and there could be as little doubt that if the opinion of the House should be declared against him, the same sense of public duty would induce him to retire from office. How could the House and the public know the grounds which existed for confidence in Ministers? They could only judge of those grounds by their knowledge of the principles on which they were disposed to govern, those principles being taken from their declarations or acts. Now the right hon. Baronet had declared that he did not understand the principles of the Reform Bill; and he (Mr. Sergeant Wilde) would say, that no man was fit to be a Minister of this country who did not thoroughly understand, and who was not prepared to carry out, the principles of the Reform Bill. For his own part, he would say that no one ought to be in any doubt as to what the principles and objects of the Reform Bill were; to bring the institutions of the country under the correction of the public, exercised by its representatives in Parliament—to review our institutions—to see if they answered the purposes for which they were designed—to see if they required modifications to make them useful for their original object. Knowing what he did of the opinions of the right hon. Baronet, and considering his declaration as to Reform, he had little doubt of the course the right hon. Baronet was likely to take; but if he had had any doubt on the subject, it would have been dissipated when he saw those who were the right hon. Baronet's supporters; and who were they? Were they not those who

could not see that there was any abuse to remedy, and who therefore naturally enough opposed all the remedies which had been suggested by others? But the right hon. Baronet had said, that he was a reformer. Everybody said that he was a reformer nowadays; but to bring this to a test, the question was not whether a man said he was a reformer, but what was his power of discovering and his estimate of an abuse. Now, when he saw those hon. Gentlemen who supported the right hon. Baronet—when he found from their speeches and their votes what was their estimate of an abuse, he owned that he had made up his mind to this—that if the right hon. Baronet attempted to carry on the government of the country by the agency of such men, it never could be efficient as a Reform Government; and he owned that his confidence in the Government of the right hon. Baronet was not increased when he heard the right hon. Baronet himself declare that he, as a Minister, had this advantage—that his measures were more likely to be carried in the House of Lords than if they had come from other quarters, thereby intimating, as he (Mr. Sergeant Wilde) understood it, that there were some who would wish to see a collision between the two Houses. If there were any such, he was not one of them; but he was, he admitted, much surprised to hear such a statement from the head of an Administration, on whose behalf the doctrine of “measures, not men” had been so strongly put forward.

Mr. *Charlton* rose to order. The hon. and learned Gentleman was, he considered, out of order. The Question before the House related to the Irish Church Establishment, and the hon. and learned Gentleman was now speaking wholly on the question of confidence in Ministers.

The Speaker intimated to Mr. Sergeant Wilde to proceed.

Mr. Sergeant *Wilde* said, he was sure the hon. Member who had interrupted him had altogether mistaken the subject of the debate. He (Mr. Sergeant Wilde) was alluding to a declaration of the right hon. Baronet, that he possessed an advantage which another Minister was not likely to have—that measures of his would have a chance of being favourably received in the House of Lords. What was that but to say, that the Lords would not decide by the merits of the measures which might come before them, but rather by the men

by whom such measures might be introduced. This then was, in effect, to say that the measures to which that House might agree were to be decided by the Lords, not on their estimate of the opinions of that House, but rather on their opinion of the individuals by whom those measures were introduced. Whatever might be the opinion of the right hon. Baronet as to the advantage which he possessed in this respect, it certainly afforded no ground to him (Mr. Sergeant Wilde) for any confidence in the right hon. Baronet's Government. When Parliament met, it became important to know what would be the estimate of an abuse by the hon. Members whom the right hon. Baronet had chosen as his colleagues in the Government; and who were they, and what were their opinions? They thought that the Test and Corporation Acts were not an abuse—that the Grievances of the Catholics were not an abuse—that the State of Negro Slavery was not an abuse—and lastly, that the State of the Representation before the Reform Act passed was not an abuse. Under these circumstances, what ground of confidence could he have in a Government, consisting in part of, and generally supported by such men? On these grounds, then, he was glad that the noble Lord had brought forward the present motion in its present form; and he would beg to ask hon. Members opposite, whether they considered the present state of Church property in Ireland an abuse? He would ask them did they consider the Irish Church with its immense revenues—its highly paid clergy, so many of whom were without congregations—an abuse? If they did not, he could have no confidence in the Government of which they formed a part, or of which they were amongst the most prominent supporters. He begged pardon of the hon. Member who had called him to order if he had not sufficiently impressed on him that there was a close connexion between the Question of the present condition of the Irish Church, and the Question of confidence or no confidence in the present Administration. The next topic to which he would advert, was one which often occupied the attention of the House, he could not say always advantageously; he meant the question of inconsistency. It was a question which might be important to an individual, but the question, whether the measure he proposed was valuable—was much more im-

portant to the community. He owned, however, that the charge of inconsistency which had been advanced against the noble Member for Devonshire, appeared to him to be without the slightest foundation. He did not presume to be the noble Lord's defender; he trusted that the noble Lord would not suppose that he could be guilty of such officiousness; but, looking at those records by which the country at large was put in possession of the details of what passed in that House, he must repeat, that he could not discover the slightest foundation for the charge of inconsistency which had been brought against the noble Lord. The late Ministers had expressly declared, recognised, and proposed to act on, the principle which was comprehended in the Motion which was now before the House. No pledge had therefore been necessary from them on the subject. They issued a Commission of Inquiry. In so doing, they recognised the principle; and that being done, they suspended the proceeding until the Report of that Commission had been made. Whether or not this last step was an expedient one, he was not prepared to say; but this he would say, that when that Government which recognized the principle of reform retired from office, and was succeeded by a Government which repudiated the principle of reform, the difference was one of vital importance to the best interests of the people. Under the one Government, the country knew that all the measures proposed were directed to the benefit of the people—under the other Government, the country knew that there was reason to apprehend the very reverse; to apprehend that the measures proposed would not be directed to the benefit of the people. It became highly important therefore, to know whether or not his Majesty's present Government thought the present state of the Irish Church an abuse; whether they thought that it would be desirable to correct that abuse, with a view of applying funds so abused to more legitimate purposes. Deep as was the interest which they must take in all that concerns the honour and consistency of the noble Lord, he trusted that the House would be guided in their decision on the present Question, solely by the consideration of the effect which that decision would have on the interests of the country. In addressing the House, he addressed it as a zealous Protestant, and as one con-

vinced of the necessity of a separate Establishment, and anxious to support it. He would not wish to reduce the emoluments of the Establishment, so as to diminish its usefulness; but he called on the House as a Protestant himself, and as a friend of the Protestant Establishment, to adopt the Motion before them. He believed it to be the duty of every sincere Protestant to contribute to this desirable result. He could easily conceive that Catholics might object to the Motion; but he could see no moral reason whatever why a Protestant should do so.—Much had been said of the inalienability of the property of the Church. He was glad to hear his hon. and learned Friend, the Solicitor-General, apply himself to this part of the Question, because he well knew that all which talents and diligence could bring to bear upon it, would be brought by his hon. and learned Friend. But his hon. and learned Friend had completely failed to establish his proposition; and he defied any one to establish it. The principle on which the proposed interference with the property of the Church Establishment proceeded, had been recognized by the law over and over again. At various times, statutes had been passed applying the surplus revenues of the Church to other purposes. At various times, after the reign of Henry the 8th, and the suppression of the monasteries, statutes had passed taxing the Church revenue in some cases a tenth, in other cases a twentieth; and applying the proceeds sometimes to Ecclesiastical and sometimes to Secular purposes. What, he should like to know, was to become of the titles of lay impropiators, if Parliament had not the power to apply the revenues of the Church to any but Ecclesiastical purposes. This part of the Question was not treated by his hon. and learned Friend on the broad and intelligible principle on which it really stood. The property under consideration belonged originally to the Catholic Establishment. It was beyond all doubt originally the property of Catholics, whether by donations of private individuals or by gift of the Crown. But he had never heard that the property had been transferred by the Catholics. The property was not taken from them, but they were taken from the property; and, after the Reformation was established, certain oaths were ordered to be taken, which excluded those who were conscien-

tious adherents to the Catholic religion, from having any share in, or dominion over, Church-property. Thus the followers of that religion, which certainly had done more acts of piety and benevolence than any other, were driven from the ownership of that property which, by various titles, they once possessed. The argument of those who opposed any interference with the grants of the Church, went to the declaration that the character of that Church was wholly unimportant. As if those grants were made only to the professors of a religion, and not to the professors of that particular religion which had with it the hearts and affections of the people. They had now a Church Establishment in Ireland supported by property originally directed to the support of the Catholic religion. When the Catholic religion ceased to be the religion of the State, that property could not in many instances be applied according to the intentions of the donors? What was then to be done with it? It could not be returned to the donors. The State seized and took possession of it, and applied it as public property for the support of religion. He would never be a party to the withdrawal of one shilling from the Establishment, which might be required for its efficiency: but could any individual doubt that the Irish Church stood in a situation requiring investigation and reform? His hon. Friend, the Member for Edinburgh, had called their attention that night to the fact that the present Establishment of that Church was one sufficient to maintain it when the whole population was of the Catholic religion; and when they looked to the increase which had taken place in the value of the property since that time, and the small increase of Protestantism in the same period—when they saw that many Bishoprics had been found unnecessary, and that there were many parishes without a single Protestant in them but the paid clergyman, did they not see a case calling on a British Parliament for inquiry and reform? He would take the same view as had been taken by the right hon. Baronet, the Member for Cumberland—he would consider this as trust property—and he would appeal to him whether the trustees were not now abusing that property? What he asked the House was simply this—that they should faithfully and honourably execute the trust annexed to it. He contended that the

Legislature had a right, beyond all doubt, to dispose of it; but he would admit the qualifications and restraints imposed by the right hon. Baronet. There had been a mistake hitherto committed in this discussion which he thought to require notice. For whom was it that the Church Establishment had been instituted? Was it for the Ministers of the Church, or for the congregation? The question had been argued as though the Establishment had been erected merely for the purpose of supporting so many clergymen. Dr. Paley had been quoted? but how did he treat the matter? He had said, "A Church Establishment is no part of Christianity; it is only the means of inculcating it." He (Mr. Sergeant Wilde) called on the House to apply the property to those means. Let them see what had been the consequence of its present application—what had been the result of the revenues originally devoted to the support of the Catholic religion, being for so many years in the hands of the Protestants. Had not Protestantism declined? Had those funds been applied, then, in the most beneficial manner for the purposes to which they were originally destined; He owned that he was surprised, after the speeches he had heard from the right hon. Baronet, the Member for Cumberland, and the noble Lord, the Member for North Lancashire, how they could reconcile it to their honour as gentlemen, or to their characters as statesmen, after what they had heard from the right hon. Member for Cambridge, of so many Protestant clergymen deriving large revenues, not for the performance of clerical duties, but deriving them from parishes where no Protestant congregations existed—he was, he repeated, at a loss to know how they could reconcile it to their sense of justice to call this a right application of the trust for which such property was given. Would they maintain that this property was held in trust solely for the ministers of the Church, without any reference to the fact of whether or not they had congregations? If they did, he would only observe, that there were still some, who, while they got rid of schedule A in politics as a disgrace, consented to retain it in religion. He had already referred to the opinion of Dr. Paley on the subject of a Church Establishment. What had that reverend Divine said of those clergymen who pocketed the revenues of the Church

without the performance of any clerical duties? He had broadly stated it as his opinion, that they were guilty of little less than robbery. Now when they heard, as they did every day, of complaints of the state of destitution, of the state of gross ignorance in which so many of the peasantry of Ireland were kept, he would ask, was it to be stated that it was necessary for the interest of the Protestant religion that these poor people should be denied the advantage of religious instruction? He did not ask to give anything to the Catholics by taking away what was necessary for the Protestants. But was it not unreasonable, was it not unjust, to refuse to the Catholics for their moral and religious instruction that which the Protestants did not require? He would say to the Protestants, but do not decide on this question against the principles of the religion which you profess. The right hon. Baronet (Sir James Graham) had professed himself a religious man—a profession, he hoped, there was no Member of that House who would not be ready to make when necessary; but he feared that, if hon. Members were to vie there in professions of religion, the House would soon be distinguished by some of those characteristics of which the right hon. Baronet spoke in alluding to a former period of our history, and that many would be found amongst them to whom some of the terms of the historian, quoted by the right hon. Baronet, would be applicable. He, of course, did not, in any degree, allude to the right hon. Baronet himself, the sincerity of whose professions no one could for a moment doubt. He would now ask, had the revenues of the Church been applied to useful purposes? And here he would say, that if he had to deal only with the right hon. Baronet, it would greatly shorten the discussion. The right hon. Baronet, when the subject was under discussion on a former occasion, had not objected to it on the ground that he required any additional information to that which he then possessed. He had not then stated that it would be necessary to wait for the Report of Commissioners; for that all that was necessary to form a practical opinion on the subject was at that time within their reach. Now, half the time of the present discussion had been consumed in objecting to the Motion on the ground that no adequate information respecting it was before them. The right hon. Ba-

ronet had, however, taken different grounds; and, if his argument would have applied then, it would apply with more force at present. "Do you think," said the right hon. Baronet, "that you are taking a safe course, and that you can keep the public in Ireland in tranquillity, so long as you keep this great Question in abeyance?" He agreed with the right hon. Baronet that it was not safe, and it was still less so now than it was then; but the question had been allowed to remain in abeyance ever since. The right hon. Baronet had well said, that Ireland could not be kept in tranquillity while the question was undisposed of, and that it would be wrong to wait until such complicated inquiries as the Commissioners were to make should have been gone through. The question, the right hon. Baronet said, was not one of abstract right, for on that there could be no difference of opinion; but it was simply whether they had a right to apply Church property to secular purposes, and they were as ripe for the decision of that question then, as they could be if they waited for the result of long and tedious inquiries. These were the opinions of the right hon. Baronet, and they were distinguished for that good sound sense which generally marked every thing that fell from him in that House. Without going further into them, he would leave the hon. Gentlemen opposite to settle that question, as to insufficient information, with the right hon. Baronet, before they proceeded farther. It had sometimes been held and considered that public suspicion in reference to any great question was a proper and sufficient ground for Parliamentary inquiry and alteration. Look, then, at the state of the Irish Protestant Church; and would any man assert that, in respect to it, the public mind was not pregnant with suspicion. That had, as yet, not been denied; for how had the noble Lord opposite (Lord Stanley) met the arguments contained in the speech of the right hon. Member for Cambridge? In short, how had the arguments advanced by those hon. Members who had spoken from his (Mr. Sergeant Wilde's) side of the House been answered by hon. Members opposite?—he ventured to say, in no one way. Now was the time when the great principle contained in the Resolution proposed by the noble Lord, the Member for Devonshire, ought to be recognized by the Commons House of Parliament—a

principle which, he would add, was not limited to the present Question, the first, he trusted, of a series in the progress of reform; and he was rejoiced that, by the present Resolution, the Question of the adoption of that principle was not raised upon a trifling matter, but upon a subject of the deepest general and public importance. He would ask, could any abuse whatever have so evil a tendency as that which had a tendency to draw the affections of the people from the national Church? Such a state of things proved a fitting subject upon which to commence a series of reforms; and, above all, the existing condition of the Church of Ireland, and the effects consequent thereon, presented a case showing the necessity of immediate inquiry. That being so, was the House now in a situation to enter into an investigation?—was it merely for the sake of perplexing the House with mere figures, that it should delay such investigation until it was precisely found what was the number of parishes in Ireland in which the ministers had no duties to perform, and until returns were made of the number of sinecure clergymen, and the amount of their stipends? Was it necessary to delay inquiry when it was admitted that sinecure parishes did, amongst other abuses, exist? It was true, it had been said, and, indeed, it was the only answer attempted to the statement as to sinecure incumbencies, that, if the number of all sinecure clergymen were to divide all their emoluments equally, it would be found the average stipend was about 300*l.* per annum to each. This might be true, but, on the other hand, it had not been stated what would be the saving effected, if 300*l.* per annum was paid to every incumbent who had duties to perform, while all payments were withheld from the sinecurists who had none. Such a calculation had not been submitted to the House during the whole of the present discussion. But these facts were, in his humble judgment, amply sufficient to justify this inquiry, and he dismissed the proposition suggested of waiting for the consideration of these particulars and figures, because the House was not, on the present occasion, dealing with the revenues of the Church, but with a question of principle. It, however, was impossible not to say that there must be a surplus of those revenues. If those revenues were fairly distributed and administered, it appeared to him that

there would be no fear of the public misunderstanding this question—they would not be mistaken in a measure directed to the support of the Protestant Church Establishment, because by the application of its surplus funds to the purposes of education, that application was calculated to increase that Church and the blessings which it bestowed. Such was the object of the present Resolution, and unless the right hon. Baronet at the head of the Government could persuade the public that clergymen who had no duties to discharge ought to enjoy those revenues, or could convince them that such a system was beneficial to the Church, they would not doubt the principles of those who opposed and those who supported the present proposition. What was asked by those who thought with him was this—how, when it was found the revenues of the Irish Church had not produced the good which had been contemplated, when the cause of Protestantism had not been advanced under the present distribution—when whole parishes were existing in which sinecure clergymen had no duties to perform—when it was apparent to every candid mind that the revenues were more than sufficient to enable the Church to perform every duty it was called upon to discharge, how were those surplus revenues to be applied? Was the surplus to be retained with a view to increase funds already sufficiently large properly to remunerate the clergy, and to afford them the means of independently exercising their office, and that, too, without the degradation to which, under the present system, they were exposed? His friends, and many hon. Members who concurred with him, were the advocates for strict law—that the ministers who had duties to discharge should be supported in their characters as Christian ministers; but were they not justified as men, as Christians, and as legislators, in seeing that the remuneration was not excessive? Were they not right in asking for such an application of the surplus as that suggested in the Resolution? Of this he entertained no doubt. The right hon. Gentleman, the Member for Cambridge, had last night shown that general education had already been made a charge upon the members of the Irish Protestant Church. How had the noble Lord the Member for North Lancashire, answered that statement? Why, by stating that the act was that of

a conqueror. It, however, ought not to be forgotten, that the same conqueror who had made the charge for education had also given the religion to the country in which that charge was imposed. How had that been treated by the right reverend Prelates who had been referred to? They had not repudiated the Act as one of spoliation on the part of Parliament. On the contrary, they had felt that, unfortunately, there was a want of due attention to education—that the Reformed Church had failed of its object—and that, though possessed of revenues, the Church had kept the whole grant in their own pockets instead of applying a portion to educational purposes. What then was the principle established in the instance cited by the right hon. Gentleman, the Member for Cambridge—an instance which still remained unanswered? It was neither more nor less than the principle which was to be found in the present Resolution that the surplus revenues, after all the wants of the Church were supplied, should be appropriated to the religious instruction of Christians of all denominations. Would it be denied that the reason why the Protestant Church had made so few converts was the ignorance in which the people had so long been allowed to remain? And he would ask, what could increase the strength and the stability of Protestantism in Ireland so much as the education of its children? Here he must complain of the misrepresentations which, in the course of the present debate, had been made by hon. Members opposite of the arguments which had been advanced by those who occupied the same benches as himself; in short, every statement which had been advanced in favour of the adoption of the proposition under consideration had been treated as so many recommendations for a Repeal of the Union. Equally, too, had the necessary reference which had been made to the grievances affecting Ireland been misapplied. But how stood those grievances? To that to which the Resolution referred only would he apply himself. The mark of degradation had been placed upon the Roman Catholic Church, and against it, and in support of the Protestant Church, the most cruel persecutions had been resorted to. If he did not feel that it would be neither proper nor useful, at this period of the discussion, he would call the attention of the House to the horrid and scandalous bar-

barities practised in Ireland, which would most abundantly account for the state of Irish feelings towards the Protestant Church Establishment in that country. Suffice it to say, that the Protestant Church in Ireland ever had been, and was still, a monument of the wrongs inflicted upon, and the injuries endured by, the Roman Catholic population. It was the desire of those who supported the Resolution, to correct the existing errors, and to remedy the consequences of these wrongs—to increase the strength and prosperity of the Protestant Church—to do an act of kindly justice to the Roman Catholics—an act also beneficial to the best interests of the Protestants, but, at the same time in no way to benefit the Roman Catholic Church. He, for one, firmly believed that the adoption of the Resolution would lay a strong hold upon the intelligence of Ireland, and would eventually increase the number of the Protestant population. In his judgment, also, the only means of placing Irishmen in a situation truly to estimate the principles of the Protestant Church, was the education of the people. If unhappy feelings now existed between the Protestants and the Catholics, how different would be the case in future times, when the children of both had been, in their earliest years, brought together and educated in the same school—the place of all others best adapted for the creation of those friendly associations never afterwards to be disturbed: this association would grow up with the parents, who, finding their children educated at the expense of the Protestant Establishment, would lose their hostility to it, and regard it as a protector. In short, it would soften the asperities of each class. He said, then, that the alienation sought was not an alienation for purposes other than Protestant purposes. The education of the people was one of the duties incumbent upon the Legislature. The hon. Member for Knaresborough has confined those duties to two objects, viz., “to clothe the naked, and to feed the hungry.” The hon. Member had omitted to add the third, “to instruct the ignorant.” As a Protestant, did not the hon. Member imagine that he had a duty to perform in improving the moral character even of the Catholic? Were not Protestants interested in teaching the Catholic the duties of civil obedience, the duties of charity, the duty of

stifling feelings which led to outrage and violence? Assuredly they were; and not only did they give themselves the chance, indeed the certainty, of making proselytes, by rendering the Catholic educated instead of ignorant, but the satisfaction and advantage of converting a turbulent and discontented people into orderly and loyal subjects. But it had been said, that there would be no surplus funds to apply to this desirable object. Now he could not help thinking that if the Protestants could gain the credit of so charitable a resolution without expense, there would be less opposition to it. If hon. Members opposite in their hearts thought that nothing but the expression of opinion would result from the Resolution, he believed they might agree to it. He was inclined to think, therefore, that the vigour of their opposition arose from some latent doubts that what had been enough for the Catholic Establishment in its full vigour, that what had allowed of several Bishoprics being suppressed, would, in the result, yield a surplus capable of being applied to the purposes contemplated by the Resolution. Nothing in the shape of a reason had in reality been urged in answer to the arguments advanced in support of the Resolution. It had, indeed, been said, that this step must be opposed, because it was the first of a series; but who was to decide upon what the next step should be? The Catholics of Ireland? No, but the British Parliament. Would the Catholics acquire any addition of physical force by the success of this Resolution? Would they acquire any accession of moral force? That would depend upon the nature of the next proposition they made. If it was one which they might in justice ask, and which they, as a Christian Legislature, ought to grant, he did trust that the education he hoped they would receive would indeed give them sufficient moral force successfully to press their claim upon the House. If they asked what was not consistent with the safety of the Protestant Church and of the country, what would become of the noble Lord and of the right hon. Baronet opposite, or of their children, if they were not here to oppose it? Surely, the next Parliament might be supposed to have discretion sufficient to judge of the propriety of any proposition submitted to them. What practical statesman had ever said, “Before I grant you this request, I must know

what will be your next demand?" Would acting unjustly, unwisely, and irreligiously by this Motion, enable them the better to resist the next, if it were a proper one? Let them recollect what they said when Catholic Emancipation and Reform had been urged upon them. He was astonished that right hon. Gentlemen could take so narrow, so unstatesmanlike a view of this question. A right hon. Baronet had called the present Motion a wedge. Was not the Reform Bill a wedge? And what would hon. Gentlemen say, if that question was decided with reference to the series of demands that would follow next after its concession? When the Reform Bill was passed, it was with the intent of its being a wedge to other reforms. Were they who spoke in favour of the Resolution Destructives? What could they gain by the destruction of the Church? It was to that Church they owed many comforts and benefits. By duty they were endeared to it, and they could have no possible interest in wishing to destroy the Protestant Establishment of the country. He hoped that this was the first of a series of good measures that would afford satisfaction and relief to the Catholics of Ireland. Hon. Gentlemen said that, having passed the Reform Bill, it was treated with contempt; and they always brought forward similar futile arguments when questions of Reform were agitated. Ireland was in a state of agitation until the Emancipation Bill was passed, and if that measure did not fully relieve their grievances it was but just for them to ask for ulterior measures. Would the British public, not to speak of the Irish people, allow the continuance of the present state of things? If the present Resolution was met with a negative it would be but a short respite to the existing Government, and the rejection of it would cause the British public to doubt the views of Reform, and the practical measures of popular relief promised by that Government. This measure was first opposed with reference to the measures it was said it would lead to, and hon. Gentlemen on his side the House were next told to look to their associates, and asked what might not be expected from them. Why, Gentlemen on both sides the House professed themselves Reformers, and he did not expect such a taunt, for he might retort it, and ask hon. Gentlemen opposite, hitherto Reformers, to look to their associates. There could

be no great unanimity among them, for the view of the matter taken by the hon. Member for Knaresborough was that the surplus fund should revert to what he deemed its original destination, the relief of the poor, while other hon. Gentlemen on the same side insisted that it should all remain devoted to Ecclesiastical purposes. He did not consider that there was good sense or fairness in the arguments of hon. Gentlemen opposite. For his own part, he begged to say, that he was always ready to support any Government that brought forward good measures for the people, and he would be no partisan of any other. Let the right hon. Baronet bring forward good measures of Reform, and he would soon be on the same side of the House with the right hon. Gentleman. He agreed with the hon. Gentlemen on his own side of the House only to a certain extent; but whilst he avowed this he saw no absurdity in voting for the present Resolution, as it did not pledge him to go to an unlimited extent. He was ready to assist in reforming the abuses of the Church, but he would go no further, and he would leave them when they proposed any thing that extended beyond that. Hon. Gentlemen opposite amused themselves with supposing that all persons who voted for the present Resolution were agreed as to how far they should go, and they argued that, as some hon. Members on his side of the House were for the Repeal of the Union, those who supported them now should support them also on that Question. All he said in answer was, that when hon. Gentlemen brought forward the question of the Repeal of the Union, he should be found voting against them. Let hon. Gentlemen go beyond the principle involved in this Resolution, and they would speedily find their party considerably diminished. He would again repeat, that nothing could be more delusive than to discuss this Question with reference to ulterior measures. Arguments should be weighed and directed to the measure more immediately under consideration. It need not be feared that they would go too far, for the moment he saw opinions advanced in support of measures inconsistent with the interests of the Established Church, that moment he would oppose them. What he wanted was to purify the Church, and, by doing so, more firmly fix it in the affection of the public. It was wrong to judge the arguments of Gentlemen on his

side the House, not by their intrinsic merit, but according to the opinions of some individuals who voted in favour of the same question. Such a judgment was unjust towards the country and towards the individuals who were in favour of the Resolution solely with the view of supporting the Established Church, and advancing its real interests. He hoped, that in supporting the Resolution, he should not be considered as doing so with the design of injuring the Protestants, for all he wished was, that Irish children should be educated according to the wishes of their parents. It was not proposed to draw from the Protestant Establishment one shilling that was necessary for it—it was not proposed to meddle with the interests of any person living; all that was sought for was to apply the surplus revenue, if any, of the Irish Church to the purposes of general education. He did not wish to deprive the Catholic Church of the means of improvement; he did not wish that it should consider itself a persecuted Church, and he hoped that hon. Gentlemen opposite would throw off the appearance of wishing to do so. The hon. and learned Gentleman concluded by calling upon all hon. Members who wished to perpetuate the Irish Protestant Church to agree to the Resolution; and as he had heard no sufficient arguments urged against its adoption he sincerely hoped that it would be carried by a large majority.

Mr. Secretary *Goulburn* expressed himself sensible of the disadvantages under which he laboured in rising to address the House at that late period of the discussion; but his position gave him this advantage, that he had not only before him the motion of the noble Lord, guarded in its terms so as to unite as many as possible against the Government, but the opinions of the different parties who supported that motion, both as they appeared in the speeches of those who had addressed the House, and as they might be gathered from the no less significant silence of others. The hon. and learned Gentleman who had just sat down had said, that the resistance of the Government to this Motion showed a determination to resist all reform; but, on the part of the Government, he denied the soundness of that proposition. The hon. and learned Gentleman had, moreover, been pleased to characterize the Church of England as established in Ireland a sinecure Church

but that proposition he denied also. The duties discharged by the Ministers of that Church were not to be estimated by the numbers professing its doctrines, but by the difficulties that obstructed the execution of their duty, and the progress of the religion of which they were the ministers. The hon. and learned Gentleman had told them that the Irish was a sinecure Church, because the right hon. Member for Cambridge had produced a certain number of instances in the diocese of Limerick in which there were few or no resident Protestants. He knew not the sources from whence his right hon. Friend had drawn his information—he knew not the grounds upon which his statement was founded; but he knew, he thought, enough of the state of Ireland to be enabled to afford an explanation that would be satisfactory to the House as to the circumstances to which the right hon. Gentleman had referred. He believed that the absence of individual Protestants in the parishes to which the right hon. Gentleman had alluded, arose not from any want of the proper discharge of the duties vested in the Protestant clergy, but from that which he and his right hon. Friends around him were as anxious as the hon. Gentlemen on the other side of the House could be to remedy; namely, the grievous abuses which existed in the Established Church; and to remedy which was the great object of the Government in maintaining the revenues of the Church. [*"Hear, hear!" from the Opposition.*] Hon. Gentlemen on the opposite side of the House might cheer, but he contended that, unless the revenues of the Church were maintained, it would be impossible for Parliament effectually to remedy the abuses which existed in it. He was further confident that the particular cases to which his right hon. Friend referred, were parishes constituting parts of unions in Ireland. It was not new to the House that in that country it had been the practice—a practice which he had always denounced—a practice which he (Mr. Goulburn), long before the question of Church Reform was brought forward, had deprecated, and for the remedy of which he had actually introduced a measure to Parliament, the practice of uniting several parishes together, and giving to them all only one Church and one clergyman. He had always regarded those unions as one of the great practical evils of Ireland; and, as he had already stated, he had introduced

a measure for the purpose of dissolving them. He was not, indeed, a Reformer in the sense of the hon. Gentlemen opposite, because when he found an evil, he endeavoured to discover an appropriate remedy for it, and did not turn round upon the Established Church and say, "I will not seek to purge your abuses, but I will destroy you altogether." He had no doubt that the parishes to which his right hon. Friend referred were parts of unions; and it was obvious that where several parishes had been united for the purpose of forming one benefice, the Protestant population were necessarily withdrawn from those parishes in which there was no Church and no clergyman to the one particular parish of the union in which the Church was situated, and in which the residence of the clergyman was placed. He said, then, that when the hon. Gentleman opposite took particular parishes, and said, "Here is no Protestant—here you have neglected your duty, and abandoned your charge—here you have no flock—here you are not necessary;—here, therefore, you shall be abolished;" when such language was used, he said it was most unfair in point of argument, and utterly unfounded in point of fact. Without having any reference to documents, and without knowing the names of the parishes to which his right hon. Friend had referred, he was satisfied that it was correct to state, that they constituted parts of those unions which he for one, had always so strongly deprecated. Such, then, were the circumstances upon which the argument against the Established Church in Ireland was founded. For the sake of the argument he would admit for a moment that the Church in Ireland was a sinecure. If there were one office which, by the misconduct or neglect of the holder of it, had become a sinecure, but which was yet a necessary office, what would be the proper course to pursue?—to abolish it, because, though it was necessary, it had been neglected, or to adopt some means by which its original efficiency and usefulness might be restored? In his opinion, the latter would be the more accurate, nay, he might say the only proper course to pursue. In his opinion, it was better to reform than to destroy. He spoke not from surmise, but from the recorded authority of one whose religious views differed from those of the Established Church, when he stated that when

churches were erected in Ireland, so far from finding no Protestant congregations, there did invariably come out of the multitude around persons who previously, from the want of any instructor in their own views of religion, had conformed to the forms of a church with the doctrines of which they were in their hearts totally at variance. Such then would be his mode of correcting the sinecures to which his right hon. Friend had alluded [*"Hear, hear!" from Mr. O'Connell*]. He heard and understood the cheers of the hon. and learned Member for Dublin; but to that hon. and learned Gentleman he was not addressing himself. His observations were directed to another, who professed, and he (Mr. Goulburn) was sure felt what he professed, a desire to maintain the Established Church in Ireland. If there were such instances as had been stated, in which religious duties had been neglected—whether the evil arose from the culpability of the incumbent, the error of Parliament, or the want of proper attention in former governments, he still maintained that it was the duty of the House in the first instance, to apply the revenues of the Church towards the remedy of the evils that had crept into the Church. But if they adopted the Resolution of the noble Lord which was then before them, they would effectually incapacitate the Government and the Legislature from putting the Church of Ireland upon that proper footing upon which it ought to stand; and, moreover, they would violate one of the first and most sacred principles by which a Legislature ought to be actuated. They would take the first step towards the utter subversion of that part of the Established Church which was situated in Ireland; they would compromise the rights and property of the Established Church in that country. What did the noble Lord's Resolution propose? It assumed, in the first place, that there was a surplus of revenue in the Irish Church after having provided for the spiritual instruction of the population in the forms of the Established religion. He said assumed that point, because it was impossible to revert to the course that the debate had taken upon this question without perceiving that, whilst every Gentleman who had spoken on the opposite side of the House had boldly asserted that there was a surplus, yet not one had explained how that surplus was to arise. In point of fact, they

had statements before them to show that, instead of any surplus, the funds of the Church were actually inefficient, and must for years continue inefficient, to meet all the purposes of the Established Church. But the hon. Gentleman, the Member for Edinburgh, exclaimed, "Tell me not of accounts—weary me not with statements of figures—attempt not by such means to show me whether there be a surplus or not—it makes no difference in my opinion. I call this a *sinecure* Church because certain statements have been made which inform me that in some instances there are no Protestant congregations." The passing of the Resolution proposed by the noble Lord—if the house should be ill-advised enough to adopt it, would produce this result. Hereafter the revenues of the Church would not be administered with a view to promote the spiritual welfare of the people and having raised the expectations of the Catholic population that they were to benefit by the surplus to be obtained out of the revenue of the Established Church, the next course necessarily taken would be to make a surplus that should be adequate to the expectations of the people. The Resolution told the Roman Catholic population that large funds were to be applied to their advantage, when every man who inquired into the subject was fully aware that if the wants of the Established Church were properly provided for, the surplus of its revenue—if, indeed, there were any surplus at all—would be extremely small. This was admitted by the hon. Member for Limerick. Gentlemen were too apt (and he had observed it, with regret, in the course of the present discussion) to consider that part of the Established Church which was situated in Ireland as being an object of attachment and veneration only to those who were the acknowledged members of it. But the Established Church in Ireland stood as a pillar of the true faith, to which not only its own Members, but the other Protestants of Ireland looked for protection and support. He was happy indeed to hear, in the speech of the right hon. Gentleman, (Mr. Littleton) the Member for Staffordshire last night, an admission to this effect—that the Establishment in Ireland was dear not only to the members of the Church in that country, but also to those Protestants who differed from the Church of Rome, and who looked to the Established Church as their strongest support and stoutest

bulwark against the ingress of infidelity. The right hon. Gentleman, the Member for Staffordshire, told the House that Ireland had lately been divided into two great parties, the one eager to support, the other to destroy, the Established Church—that large meetings were held by both parties, and that the effects of the meetings of the one party were as injurious as the meetings of the other. The right hon. Gentleman alluded particularly to a Protestant meeting that had taken place in the county of Down, for the purpose of upholding the Church against the attacks that were supposed to be meditated against her; but the right hon. Gentleman, notwithstanding the minuteness of his account upon other particulars, forgot to mention that that meeting was composed in great part of the Presbyterians of Ireland, who were anxious to combine with the members of the Established Church, not for the support of that Church merely as a Church representing the doctrines of the Church of England, but as a Church which they looked upon as affording the best bulwark to Protestantism in Ireland. Upon that ground they felt it to be their duty to support it. It was, then, because he saw in the noble Lord's Resolution the first step towards the invasion of the means by which the Church was to extend its influence, that he could have no hesitation in expressing his firm determination to oppose it. The hon. and learned Gentleman (Mr. Sergeant Wilde) who last addressed the House, had told them that the Resolution made no allusion to any alienation of Church-property to other purposes than those connected with the Established Church. It might, perhaps, be presumption in him (Mr. Goulburn) to differ from an hon. and learned Gentleman so thoroughly conversant with the laws of the country; but when he heard the argument which the hon. and learned Gentleman used upon that point, he confessed he felt no inconsiderable degree of surprise. He (Mr. Goulburn), for his part, was satisfied, that although no man could doubt or deny the power of Parliament to appropriate this or any other property to any purpose it might think fit, yet, in his opinion, the diversion of Church-property to purposes other than Ecclesiastical, was utterly at variance with the solemn and religious duties which were imposed upon every Legislature. How did the hon. and learned Gentleman vindicate such a diversion?

He said that Henry the 8th seized upon the property of the Catholic Church, and applied it to the enlargement of the estates of private individuals. The hon. and learned Gentleman was historically correct; but was there ever any man who did not consider the conduct of Henry a violation of the right of property? Was there ever a man, no matter what his religious opinions, who did not feel that the violent abstraction of the property of the abbeys and monasteries, and the application of it to other purposes, was an unjustifiable act of oppression? It had always been considered so by those who had any regard for the rights of property, whether private or corporate. But were they in these days to go back to the reign of Henry 8th for a precedent? Were they to learn from the arbitrary acts of that Sovereign how they were to administer the property of the Church in these days? Were they to imitate those acts of spoliation. The hon. and learned Gentleman's argument brought them, also, to this conclusion—that if the great act of spoliation in the reign of Henry 8th. were to justify acts of a similar nature up to an interval of several hundred years, no portion of the property of the Church could for one moment be considered safe. When such an argument was adduced, what were they to expect, if they now began, by a fresh act, to divert the property of the Churches from those uses to which it was formerly devoted? He entirely concurred in the argument that had been used upon this subject by his hon. and learned Friend, the Solicitor-General, who had established in the clearest manner that the property of the Established Church of the country devolved upon it, without reference to its first origin. If they were to look back at the periods, at which the greater mass of the property was left to the Established Church in England and in Ireland, they would find that by far the greater part of it was conferred at a time when the abuses at present complained of had not crept into the Church. If therefore, the Church were again purified, the funds which it derived from the munificent donations of our ancestors would be applied to all the purposes for which they were originally intended. He had said that the principle of the noble Lord's Resolution was, first, to assume a surplus of revenue. In that assumption he maintained the Resolution was, at least, prema-

ture. Its next object was so to administer the revenues of the Church as to be certain of procuring a surplus. But he (Mr. Goulburn) maintained that the indefinite character of the Resolution was, in itself, an element of danger. There was one point, upon which he had not heard any argument adduced; and it was one upon which he was induced to consider the noble Lord's Resolution as invading property, not merely of a corporate character, but property which had, at all times, universally been regarded as private property. The object that the noble Lord proposed to himself, and which had been shadowed out by the hon. Member for Limerick, was this—that where there were no Protestants in a parish, or where the number of Protestants, as compared with Catholics, was small, the property of the Church should be confiscated, and appropriated to the benefit and advantage of the Roman Catholic population. He knew not how the supporters of a Resolution having such an object in view, could reconcile to themselves such a mode of dealing with that species of property, which consisted in the private advowsons of the Church, and which he. (Mr. Goulburn), had always regarded as property of a private nature. In Ireland, no less than one-fourth of the whole Church preferment of the country stood in the condition of private advowsons of that description. If the noble Lord proposed to take from those parishes the means which they at present possessed of maintaining a Protestant clergyman and a Protestant Church, he wished the noble Lord, or some Friend of the noble Lord's, would explain to him how he proposed to get rid of the difficulty in which he would involve the tenure of that kind of private property. How did the noble Lord propose to escape from violating the vested rights of individuals over which the law had no control? See then, how the proposition worked—see how it remedied the evils that had crept into the Church. Some of the livings, situated as he had described, were amongst the largest in Ireland. Would the noble Lord, would the hon. and learned Gentleman, who was anxious for the abolition of sinecures, provide, that in those parishes the clergyman should remain in receipt of his income, whilst in the parish adjoining, where the proportion of Protestants to Catholics might be greater, no tithe at all should be collected? Was that the course by which

the noble Lord proposed to tranquillize Ireland? Did the noble Lord think that there would be that feeling amongst the Irish peasantry, that they would consent willingly to pay the whole tithe where the advowson was in the hands of a private patron, whilst in the adjoining parish there was a total remission of tithes, and a portion of the surplus of the Church revenues applied, (under the operation of the principle involved in this Resolution) to the relief of the Catholic population, and to the education of Catholic children in the Catholic faith? Would not such a system, instead of producing harmony, tend rather to arm those, who he was told were now armed, against the Church in consequence of the manner in which tithes were collected—would it not tend to arm them against the landed interests of the country? He said, then, that the noble Lord must either absolutely violate the rights of private property, or else render his proposition altogether nugatory as a pacifying measure. He could not help adverting to what he considered to be a very extraordinary argument used by the right hon. Baronet, the Member for Nottingham, who laid it down in the broadest manner that Parliament had a right of appropriation of Church property—upon what principle?—because he had found it stated in Blackstone, that the Church of England was described as being a Church “by law established,” and therefore, said the right hon. Baronet, “if it were by law established, so could it be by law abolished.” He would admit that Parliament could pass any enactment it pleased, not only with respect to Church-property, but with respect to every other species of property; the argument therefore of the right hon. Baronet was equally applicable to property of every description; for upon what tenure was it that any hon. Member held his property, otherwise than upon the tenure “by law established.” It had also been argued, that whatever might be done with respect to the Church in Ireland, it could not be taken to affect the interest or safety of the Church in England. But he could not admit that there were two separate Establishments. The Churches of England and Ireland were one united Church; and if they applied to the Church in one part of the empire a rule which was destructive of its property and subversive of its existence, they should, in fact, endanger the whole establishment, whether in Ireland

or England, and give a precedent for the overthrow of both. Was the House then prepared to sanction the principle embodied in the Resolution? or was it willing to stand with him, and resist the application of a principle, which, in overthrowing the Church in one part of the United Empire, would open the door to its universal overthrow? For they might depend upon it, if the present Resolution were adopted for the benefit of the Roman Catholic population in Ireland, and that they might receive religious instruction according to the tenets of their own faith, the matter would not stop there. Applications would from time to time be made for the abolition of what would be called by some hon. Gentlemen sinecures of the Church in England, in order that the revenues might be applied to other purposes than those by law established. He was not over ready, he hoped, to indulge in personalities; but he did conceive it was personal to advert to the previous conduct of hon. Gentlemen for the purpose of illustrating his own arguments, or of refuting those of his opponents. Now, it had been said, that upon the question of appropriation the hon. Gentlemen on the opposite side were entirely agreed; and that, if the late Government had continued in power, they would have brought forward the very Resolution now before the House, or a measure tantamount to it. But no man could have attended to this debate without entertaining strong doubts upon that point. The noble Lord had, it was true, so framed the Resolution as to embrace persons of all shades of opinion as to the extent of appropriation, from those who went the least way even to the right hon. Member for Nottingham, the right hon. Member for Staffordshire, and the learned Member for the Tower Hamlets, who went to the whole extent of declaring that the Church in Ireland was a nuisance, and ought to be abolished. But upon this very question of unanimity, could hon. Members forget the reports of what had been said upon this very subject in another place, by a Member of the late Government—one who was not inconsiderable in point of talent, who was most considerable in point of station, most active in the discharge of his duties, most able in defence, and most careful not to commit himself—could they forget that Lord Brougham went down to the House of Lords, and in his place there made an explicit declaration, that for his

part he could not approve of the appropriation of any portion of the funds of the Church in Ireland to any other than Ecclesiastical purposes in the first instance, and then, when those purposes were satisfied, to purposes of education; strictly guarding himself against misconception, by stating that such education must be according to the doctrines and principles of the Established Church? The House had been told, that the appropriation of a limited surplus in the mode sketched out by the Resolution would ensure a readiness in the payment of tithes in Ireland. But had it not always been said, that the objection to the payment of tithes was not in respect to their amount, but because they were paid by persons of one religious persuasion to clergymen of another? Did the House, then, believe that less exertion would be necessary to enforce the payment of tithes in Ireland when the measure should be passed, than was required at the present moment? So far from gaining additional strength for enforcing the payment of tithes by such a measure, they would raise up a feeling in Ireland which would make it impossible to collect any tithes whatever. Believing that the Resolution now proposed was contrary to the law of the land, and would, if carried, be dangerous to the State, and would hazard the existence of the Established Church, even in this country itself as well as in Ireland, he should give it his most strenuous opposition. He objected to it for this further reason also, because he thought, that so far from being effective to allay irritation in Ireland, it would afford the greatest additional excitement to irritation in that country, where excitement already too much prevailed.

Mr. *Fowell Buxton* said, that in rising to suggest an amendment which he thought might with great propriety be adopted on this occasion, he should hardly have thought it necessary to advert to an accusation that had been made against Gentlemen at that side of the House, of having acted from party motives and a desire to embarrass his Majesty's Government. He should not, he said, have felt it necessary to advert to this charge, if he did not feel himself conscientiously bound to protest, that although he admired the ability of the speech of his hon. and learned Friend, who had spoken last but one, yet there was one point in that speech in which he could not concur. That hon. and learned Gentleman had

said that the object of this Motion was to try the claims of the right hon. Gentleman opposite, and that the question was, substantially, one of confidence or no confidence. The question was, in his opinion, of a very different nature; and the maintenance of the Church, and the spread of education, in Ireland, were subjects of such deep and vital importance, that the House ought not to deal with them as mere questions, upon which to try the strength of parties. Now, what were the different topics which had been placed before the House? The noble Lord who introduced the Motion had told the House that, upon the settlement of this question, hinged the settlement of the Irish Church, and the establishment of peace in Ireland. The noble Lord had told the House, after what had passed, to see what the distractions in Ireland were, and to see what those distractions might be hereafter, and the Gentlemen who followed him on the other side, had introduced considerations equally important to the Protestant Church, and stated that the interests of that Church were at stake, and that if this measure were carried, Protestantism would abandon the soil of Ireland. With such important considerations as these before his eyes, he could not listen to considerations which in his mind were comparatively trivial and insignificant—such as the existence of a particular Administration, or the triumph of a party. There was no man in that House who had more confidence in the noble Lord than he had; there was none who had reason to feel deeper gratitude to the Administration to which he belonged, because they had accomplished a measure which he sincerely believed would never have been carried except through their agency. But in acknowledging this obligation, he must add that the present Question was beyond the influence of such considerations; and that, in discussing it, he would be actuated only by what he held to be his duty on so great and momentous a subject. Upon mature consideration, this Question seemed to him to have resolved itself into three distinct propositions. The first was, whether there was a surplus fund beyond the moderate necessities of the Irish Church at present? the second—which was also a very important consideration, although it had been in a great measure lost sight of during the debate—whether there was a surplus beyond the necessities of the Irish

Church in case it should, as he hoped and expected it would, increase? and, thirdly, having made provision for the wants of the Irish Church, as it now was and as it hereafter would be, and an excess still remaining—how was that excess to be applied? With regard to the existence of a surplus at present, he believed there was one. He did not mean to follow the minute calculations which had been made to prove this proposition, but he would take one broad fact that the endowments of the Church of Ireland were greater in proportion than the endowments of the Church of England. The right hon. Gentleman who had just spoken conscientiously believed that the possessions of that Church were not greater than it required, but in his (Mr. Buxton's) mind there never was so unfortunate a mistake as to suppose that a Church acquired weight and influence by wealth and power. If wealth and prodigal endowments rendered the Church effectual for the conversion of the people, there would not have been a Catholic in Ireland at this moment. It had had wealth, it had had the power of the Orange faction, the supremacy of Protestantism, every thing had been done that could be done, every effort had been made, the experiment had been tried to the last extent, and to the last extent he said it had failed. He believed it was fated to fail. It was natural that it should fail. But he should like now to see the experiment tried of a body of men, who, if they entered the Church, could enter it from no other motive than a desire of doing good; who could be influenced by no hope of affluence; and, though he thought it was natural, and to be expected, that mere human and worldly means should be inefficient, yet, he said, it was not in human nature to resist the efforts of a man, who, by his disinterested energy—by his self-denial—by living in decent privacy—by the purity of his conduct—by his charity—by what he would call the visible eloquence of his virtuous life, showed that he sought higher rewards than mere worldly acquisitions. He would, therefore, dispense with these advantages, which the Protestant Church possessed. He believed they were not effectual, and he would place the Protestant Church in that more sound and elevated situation. But he was met by the exclamation,—“Interference with the Church of Ireland will be a precedent for interference with

the Church of England. Take care what you do.” He said the sooner the better. He wished for nothing better than that to some parishes which he could name this principle were applied, and that the superfluity should be taken away from the clergy for the benefit of the people. He wished for nothing better than that in a parish where there was a rector richly endowed and not resident, and a curate who worked as hard as a day labourer, and received the pay of a day labourer, and where, owing to the absence of the one and the poverty of the other, there were no schools, but the people were living in barbarous ignorance—he wished, he said, for nothing better than to reduce the salary of the rector for the purpose of providing for the minister who did the work, and of supplying religious and moral education to the people. And so far from being an enemy to the Protestant Church in entertaining this wish, so far from being guilty of a sacrilege, or an unholy invasion of its property, in carrying it into effect, he should think, and he believed he should be confirmed by the hon. and learned Member for Newark, who thought that Church-property ought to be sacred to religious uses—that this would be not an invasion of Church-property, but a restoration of it to the purposes for which it was originally and legitimately intended. Coming back to the Question regarding the Church of Ireland, he believed it would be found that there was a surplus; and if he wanted an argument to support this view, he should have found it in the observations made last night by the right hon. and gallant Gentleman the Secretary for Ireland, in allusion to the Archbishop of Armagh. The right hon. Gentleman said the House would hardly believe such an extraordinary instance of self-denial; but he could assure them that that most reverend Prelate had not at that moment more than 10,000*l.* a-year. [*An hon. Gentleman* said “14,000*l.*”] He begged pardon, 14,000*l.* It was immaterial—it was one or the other. Now did the right hon. Gentleman think, considering that the House was told by other Gentlemen opposite that there were poor curates as well as rich prelates—that this amount was so very small? He felt the highest respect for the right reverend Prelate's character; but he must say he thought there was some room for reduction, even in that particular quarter. Could

any man sincerely say that there was not room for reduction in the Church? He said, only show him a rector who was non-resident and wealthy, and he said a reduction ought to be made. He should now come to the second question, namely, "Is there also a surplus provided the Church of Ireland should increase?" How did they know that the Irish Church would remain exactly as it was? How did they know that it would increase? He, for one, thought it would necessarily increase, first because the strong impression upon his mind was, that the Catholic Church had had very peculiar and incalculable advantages—it had had the peculiar advantage of being a persecuted religion. There was something so outrageous to natural justice—something so inconsistent with the very name of the religion which we professed, in condemning a man to pains and penalties for his religion—there was so much not merely of cruelty, but such refinement of cruelty, in our ancient proceedings, in offering a bribe (to be sure it was at some distance of time that the practice prevailed)—in offering a bribe to the son—to do what? to desert his religion—and by what temptation? the offer of his father's property; that the feelings of mankind revolted against it; when the Protestant religion (he begged pardon, he meant the Protestant ascendancy—he revered the Protestant religion, but he had no sympathy with those who made it an engine of political faction)—when the Protestant ascendancy condescended to appeal to the worst and basest passions of human nature, it was no wonder that a barrier was placed in the way of conversion; it was no wonder that that religion could not reach the heart of the Catholic, or that he closed his ear to the Divine truth which was held forward in one hand, while a sword was grasped in the other. It was not surprising that he would not listen to the overtures made in so odious a form; but he was happy to think that those days were now past, and that the Protestant religion was no longer an object of factious advantage. In the South of Ireland the Catholic religion was no longer the persecuted religion—it was the triumphant religion. It was another class that was much nearer to being the persecuted class; and, therefore, he thought the time was approaching when the Catholic, laying aside the prejudices he had conceived, and the goaded and

exasperated feelings which had been excited in their breasts by the conduct of those placed over him, would be placed in a position in which he would have leisure to consider and reflect whether the doctrines of the Protestant Church were in accordance with reason and conscience, and whether some of the pretensions of his own Church rested upon a secure and solid foundation. He thought the Protestant religion had had great disadvantages to contend with, one of which was intended for its benefit, namely, the disadvantage of being the most wealthy and the most worldly establishment in the world. But the times were changed in that respect also. The ministers of the Protestant religion in Ireland had been exposed to the fire of persecution, and out of that flame had arisen as pure and apostolic a ministry as any in the world. He would not for the world do those good men an injustice. He believed a more pure, a more devoted, and more virtuous ministry the world had not, than the Protestant ministers of Ireland. And here he rested his hopes upon the relief of the Catholic from the bond of persecution, for the increased spirituality of the Church of England, for the growth of mind, the spread of knowledge, the establishment of schools, as the results of this night's debate. Above all, he looked to the circulation of the Bible, and he could not but think that great and lasting advantages would follow. He believed that the Protestant Church in Ireland would increase. At all events there would be room for a fair trial of the merits of the doctrines of the Protestant and Catholic Churches on the ground of reason, and upon that issue he was prepared to rest with confidence the success of the faith he held. He believed that the whole House was agreed, with the exception indeed of one hon. Friend of his, who objected to the proposition, because he thought the present clergy ought not to be attended to—with that one exception, he believed the House was unanimously agreed that a moderate maintenance was to be given to the existing clergy, but he asked why should they pare down the dimensions of a growing Church? Because the Protestant Church was low now, was it to be concluded that it would be always low? He said, relieve the disasters and distresses of the people of Ireland, and he believed religion would grow up in that country. So strongly did he

feel this, that when the proper time came, he should feel it his duty to propose a Resolution, saying that should the Church of Ireland increase, a proper provision should be made for it. He understood from the authority of the Chair that this was not the proper time, and he should accordingly reserve his motion for another opportunity; but before that time arrived, he hoped the noble Lord would let him know whether he agreed with him, as he considered this a point of very considerable importance. He now came to the last point of his argument. Supposing that there was a surplus beyond a provision for the present and the future necessities of the Church—how was it to be applied. He was very much gratified that in the course of the debate not one Gentleman connected with the Irish landed interest had risen to propose that it should be appropriated to the Irish landlord. If such a proposition had been made, he should certainly have opposed it, because he considered that that would be a desecration of Church-property to a purely secular purpose, and that it would effect no peace in Ireland; but it had not been proposed, and the subject which had to be considered was confined to the two principles recently stated by the right hon. Gentleman opposite. If he understood that right hon. Gentleman rightly, he did object to Church-property being applied to any but Ecclesiastical purposes; but he did not understand him to object to the surplus being devoted to the education of the people through the medium of the Church. Now he would frankly say, that nothing could give him greater satisfaction than that education should be communicated to the people through the medium of the Church, if it were possible, because he was sure that education was the only remedy for the evils of Ireland; but he knew the thing to be impossible, in consequence of the odious form in which the Church had been presented to the people again and again. Great injustice had been done to the Protestant Church by connecting it with Protestant ascendancy. The many insults which had been offered to the Irish people had created such a feeling of resentment and distrust that they would not even receive truth from our hands. He was convinced, therefore, that to say we would teach the people through the medium of the Church was the same as to say, that we would not teach

them at all. He now came to the particular Resolution of the noble Lord. He deeply regretted that the noble Lord had been induced to leave out the words "moral and religious," and to substitute "general education." The difference might be but little in appearance, but its effect would be great. The Legislature was bound to show to the people of England that if it alienated the revenues of the Church from purely Ecclesiastical purposes, they were devoted to the purposes for which they were originally instituted, namely, the moral and religious instruction of the people. He hoped the noble Lord would not object to introduce such words. If they were introduced, he should entirely approve of the motion. What was the history of Ireland which the House had heard last night from the right hon. and gallant Officer opposite? The right hon. Gentleman said, "Take your own time, select your own period; let it be the last thirty years, or three hundred years; go back, if you will, to the reign of Henry 8th; take your own time, and I will show that the system of Ireland was a system of war, and bloodshed, and riot." Then he (Mr. Buxton) asked, was there any cure for this but education? His right hon. Friend the Member for Cambridge had told the House that there was an old statute, which, however, had not been acted upon with full effect, the object of which was to make the wild and savage inhabitants act more conformably to the usages of civilization, and to make them good citizens, good neighbours, and good subjects. How this was to be done he did not exactly know; but he believed that making them good Protestants was only to be done by the agency of moral and religious instruction. There was an error somewhere. He spoke without any intention of offence to the Catholic Gentlemen in the House, but it was evident there was error either on their side or on ours. It must be the interest and the object of all to banish error, let it lurk wherever it might; and he knew of nothing so likely to expose error and to establish truth as religious and moral education. In bestowing that upon the people of Ireland, he was not diverting the revenues of the Church from Ecclesiastical purposes. He was devoting them to the best possible object in making Protestants of the Catholics by giving a portion of those funds for the purposes of religious and moral

instruction. No man could deny that it was the only hope in the present state of Ireland of removing that religious animosity which was the bane of that country, and which was constantly producing great and innumerable evils, none of which was so deep or so desperate as that it stood as a barrier in the way of the propagation of the religion of the Bible.

Mr. *Twiss* concurred in viewing this as a most important question—important on account of the principle which it involved; but considering the very slender amount of surplus which could at any time be produced, he thought it most unimportant to the people of Ireland. A great deal of the time of the House had been occupied with details of the sufferings of the Catholic population in Ireland. But the question was not now, whether some alteration should take place in the mode of levying tithe so as to give relief to the people, and throw upon the landlord that which had hitherto been paid by the tenant; but whether, in the amount of tithes continuing the same, it should be applied to the purposes to which it was at present applied, or to some others, which were not very clearly, or, at least, very unanimously defined. Therefore, he said, the appeal to this measure as a means of diminishing the military force in Ireland wholly failed. He did not believe the peasant or the small farmer in Ireland would be reconciled to the payment of tithe merely by the belief that a small portion of the amount would be devoted to purposes different from the present. On the last occasion when this subject was discussed, the resolution of the hon. Member for St. Alban's was opposed mainly on the ground of its being an abstract resolution. But those who opposed it on the ground of its abstraction went further on the present occasion. They were not, it was true, prepared to vote an abstraction themselves, but they would have the House go into Committee, which Committee should vote an abstraction. If the Gentlemen opposite were prepared to act without the information which the Commissioners were about to supply, why, he asked, had not the late Administration proceeded on the same grounds? He knew there would be no fairness in pressing upon any hon. Gentleman any casual expression used in the heat of debate; but when he saw a series of Gentlemen, combined for party purposes, take one regular and uniform

line, and one after another repeat the same arguments, he had a fair right to refer to that series of propositions, and to ask how it happened that, under circumstances unchanged, their opinions were so totally opposite to what they had been? and although he would not trouble the House with a repetition of the passages which had been read from the speeches of the right hon. Member for Cambridge, or the noble Lord the late leader of the Whig Administration in that House, yet the House would perhaps allow him to refer to one extract from a speech of the noble Lord the mover of the present resolution; not merely as it tended to show that inconsistency, but also to illustrate another not immaterial point connected with this question. The noble Lord, in reference to the motion of the hon. Member for St. Alban's, said, "If, as some Gentlemen suppose, it should appear upon inquiry that the revenues of the Church of Ireland ought not to be reduced, that would strongly confirm my opinion" (against the resolution). Would it not, he asked, be absurd of the House to adopt a general resolution, and let the burden of it fall upon the Ministers? Would it not be an unworthy course for Parliament to take? But the noble Lord concluded by saying—the hon. Member for St. Alban's said, "Let the House affirm the principle,"—and this he said without telling the House exactly what the principle was which he wished it to affirm. Now he (Mr. *Twiss*) was desirous to know, after all the professions of clearness with which the noble Lord had set out, whether the House knew very well the principle which it was now called upon to affirm. It had not been defined by the noble Lord, by the hon. Gentleman who seconded his motion, by his hon. Friend who had suggested an amendment, or by any of the various speakers who had taken part in the discussion. Another distinguished Member of the late Government, a noble Friend of his, for whom he had a high respect, said that if the House was prepared to deal with a question of this importance, in which the religious feelings of the people of this country was so deeply interested, without previous investigation, he would support the hon. Member; but if Gentlemen conceived that a solemn inquiry was necessary before adopting such a proceeding, they were called upon to reject the motion. And the noble Lord asked—"If the motion were carried, would not the

Catholic population of Ireland expect that a resolution thus introduced should be followed by some immediate measure of relief." But from what fund was immediate relief now to be afforded. Gentlemen opposite would say, from a reduction of the abuses of the Irish Church. Lord Althorp, in introducing the Church Temporalities' Bill, had said, "I hope and trust this Act will give general satisfaction." There being a cheer, his Lordship said in answer to it—"and that cheer assures me that it will. The measure which I am about to propose provides for not continuing the standard of persons holding benefices and receiving revenues in livings where no duties are performed, and it provides to as great an extent as is practicable for the reduction of the body of the Irish Hierarchy." And yet there were still the same imputations of its being a sinecure Church, as if the Church Temporalities' Bill for the reduction of sinecures had never been passed. If the late Government had not done its duty, with what grace could the hon. Gentlemen opposite turn round upon their successors and impute the blame to them. But he was ready to admit, that if there was still an abuse it ought to be remedied. He was not prepared to say that the work of Reform ought to be spared, but they should look at the manner in which the work was to be done. It was urged that if there were any surplus it was desirable to bestow it upon the education of the poor of Ireland. Now, he said, he had a right to the benefit of the principle laid down by Lord Althorp, when he said if it was true that there were large livings in some parts of Ireland, there were small ones in other parts, and if we reduced the great livings we must augment the small. Now, in providing for the general safe and satisfactory means of Protestant worship, it was the first duty of the House to see that the ministers of that religion were sufficiently provided for before it proceeded to allocate the funds of the Church to any other purpose. When the distribution of the Church revenues should be properly made, he did not think there would be found a larger average amount for each clergyman than the decencies of life would require. Lord Althorp had said that there could be no greater error than that which prevailed upon the presumed magnitude of the Church revenues of Ireland. It seemed to be thought by hon. Members opposite that because the Established

Church of Ireland had been recently curtailed of ten of its Bishopricks, that therefore it could now spare more. The right hon. Member for Stafford had stated the revenues of the Irish Church at 800,000*l.* He was inclined rather to rely upon the statement of his right hon. Friend (Sir H. Hardinge) as being the more accurate; but even admitting the larger sum, the only effect would be to add a few pounds per annum to each benefice. The greatest surplus that was assumed to be possible was 100,000*l.*, and surely it was a mockery to call the application of such a sum a relief to the people of Ireland. He appealed to the hon. Member for Halifax if such a sum could be considered as a relief? If Ireland could be tranquilised by such a sum it was monstrous to suppose that the nation would not have granted it long ago. He was told that a change had taken place in the circumstances of the existing Government. What, he would ask, was that change? Since the present Government had come into office, his right hon. Friend (Sir Robert Peel) had said that it would not be expedient to alienate the funds of the Church to other than Church purposes. That was the pledge he gave. In what did that differ from the sentiments entertained by the late Government? He would not quote to them the opinion of Lord Brougham, for many persons might think that that noble Lord was too hypothetical, but he would remind them that on the 6th of last June the Marquis of Lansdowne had said that nothing should induce him to consent to appropriate any surplus of Church-property to any other purposes than such as were analogous to those to which they were then by law applied. What was then the difference between the late Cabinet and the Government of his right hon. Friend upon this subject? It was asked if the Church revenues were to be for the rich and not for the poor, but this way of putting the question was as invidious as it was erroneous. The true line to be drawn was as between those who believed in the Protestant faith, and those who did not. He did not think it expedient to be discussing what exceptions might be made to great principles connected with property. The hon. Member for St. Alban's was endeavouring to force a surplus for the sake of establishing a principle. As he perceived the House to be impatient, he would not trespass further on their time.

Lord Clements said, that it might appear to be presumptuous in him, a plain country gentleman, to arrest the attention of the House, but he would only detain them for five minutes. His remarks would only apply to the effect this motion would produce in Ireland. He admitted that a great many causes of discontent were attributable to other sources than that of religious discord; but still, unless that one should be removed, all their efforts to pacify Ireland would fail. The proposed measure was a *sine qua non* for the removal of religious discord, and without it they could not expect to succeed in quieting Ireland. He was a friend to the Established Church, and he would not deny that the hon. Gentlemen opposite had shown that, by recent laws, a great portion of the surplus, that might have otherwise accrued, had been frittered away. At present the people of Ireland who paid for the Established Church, were prevented from feeling any interest in that for which they paid. There were two charges against the Established Church—one that its revenues were too large—the other that it was not a spiritual institution to supply the wants of the poorer classes in Ireland. It was said that the Irish people were so anxious to get rid of the Church Establishment altogether, that it was necessary for the friends of the Church to make a stand here, and resist all further reduction. He admitted that the Catholics of Ireland were anxious to get rid of the Established Church, and still he would justify his vote. Hon. Members opposite fancied they had discovered a secret in this, but it was no secret, and it was not honest to deny the fact. What the Catholics desired was equality, and unless that equality were conceded, they would not submit to an Established Church. There were two courses open—one, that of reducing the Established Church to what was only necessary—the other, to pay the Roman Catholic Clergy. The Roman Catholics possessed great power in Ireland, and they also possessed the sympathy of the people of England, and if they did not obtain the equality they sought, they would destroy the Established Church of Ireland altogether; and if that were done, he admitted it would go far to injure the Church of England. He was in favour of an Established Church, but he had never heard an argument in favour of an Establishment that would not apply to the case

of the Roman Catholic Church, as that of Ireland. He was an advocate for Protestant ascendancy as far as doctrine was concerned, for it led to general toleration. The noble Lord concluded by saying that he would limit the Protestant revenues to their legitimate purposes, and he would pay the Roman Catholic clergy.

Mr. Borthwick rose amidst cries for Mr. O'Connell, and after silence was restored, the hon. Member observed that when he rose his intention was not to detain the House by any lengthened oration. This, however, hon. Gentlemen would not permit him to state—neither would they allow him to say that he would give way to the feeling on the Opposition side of the House. For that reason he now stood upon his right, and—*[The general shout from the Opposition and partial cheering from the Ministerial benches which followed this announcement rendered the rest of the sentence inaudible. The uproar continued for several minutes, and there were cries of "Divide."]*

The Speaker read the resolution before the House.

When he had concluded,

Mr. Borthwick again left his seat, and attempted to speak; but his words were lost in the shout, and was followed by cries of "spoke."

The Speaker said it must be seen that the course hon. Members were pursuing was not calculated to advance the public business, or even to bring the debate to a speedy close.

Mr. Borthwick was at last allowed to proceed. He said that in the present state of the feeling of the House, though he could not consent to waive his right of addressing it, yet he would pledge himself to express, only those sentiments which he felt it his bounden duty to give utterance to. This pledge he would make, reserving to himself the liberty of speaking at greater length should the house go into Committee. The Question before the House was, whether or not there was any surplus revenues in the possession of the Church, and whether or not they should be devoted to the general purposes of education. As to the abstract good or evil of a national Ecclesiastical Establishment, he believed that that had been satisfactorily decided. A National Establishment was admitted to be most advantageous, and as the Church of Ireland was legally an Established Church, he begged to ask what were the grand re-

ductions on which he was called upon to support the noble Lord? "Because," said the noble Lord, "you are bound by a solemn compact either to do this or else to repeal the Union." Such was the point to which he reduced the arguments of the hon. Gentleman who supported the Motion. "We are bound," said the noble Lord, "by former address, to remove the abuses and grievances of which Ireland had to complain." Now, if the Repeal of the Union was one of those grievances the present Ministry was not a party to that compact, and if the noble Lord merely intended to say that England was bound to redress proved abuses, then he would contend that the House was bound to wait for the measures which the present Government had in contemplation. The collection of tithes was a grievance, and on that subject the Ministry had given notice of a measure. The Ministers had given ample proof of their intention to redress grievances—and it behoved the House to wait for those measures which would give relief to Ireland. But then it was said, here is a great principle, which must either be negatived or affirmed. This was a mere pretence, and he should dismiss the point by asking whether this principle was not as true and as important before the Irish Church Commission was issued as it was afterwards? And, if so, how came a large proportion of hon. Gentlemen on the other side to vote against the affirmation of that principle which they now declared it their intention to support? It had been said that the surplus funds should be devoted to religious and moral education. Now a Catholic would not send his son to a Protestant teacher or a Protestant school, and in time it would be necessary to devote the funds to the support of strictly Catholic schools, so that the diversion of the Protestant Church revenues would tend only to the maintenance and support of Catholicism. Some hon. Members pretended that the alienation of the Church funds would benefit and consolidate the Protestant Church in Ireland. But how could he credit this, when other hon. Members assured him that the Protestant Church was so great a grievance to the Catholics that its ruin only would give them satisfaction? Hon. Members in portraying this alleged abuse had retired into the recesses of their imagination. It had been suggested to him to propose the adjournment of the House, but no, he would ad-

here to his word of honour, and refrain from entering fully into the arguments of the Question at issue. He begged to tell hon. Gentlemen that neither the whisper of a faction—nor the thunders of a popular party should deter him from keeping his place. What it was that hon. Gentlemen laughed at he could not say. He could assure the House that he had for it the deepest respect—and he had spoken simply from a conviction that it was his duty. Had he used one expression which was offensive to hon. Gentlemen? Had he addressed the House contrary to the feelings of the great majority of hon. Members? He knew he was speaking the opinions of his constituents, and they were as independent and respectable a body as any constituency which hon. Gentlemen on the other side represented. [*The last three or four sentences of the hon. Member were lost from the noise of the House.*] The hon. Member said that if he had not been interrupted, he should have resumed his seat ten minutes ago. He trusted hon. Members would not think he had wantonly intruded on the House—and he regretted that he should have given so much trouble to the hon. Members who had heard him with such impatience.

Mr. O'Connell—It is not my intention to trespass on the House at any length, and the moment that I perceive any symptoms of that impatience, which it is so natural to expect should be exhibited upon the fourth day of a somewhat tedious debate, I care not from what side of the House it proceeds, I shall submit to it, and shall resume my seat. Nor should I have addressed the House at all did I not feel that, humble individual as I am, I have a duty to perform, which does not fall to the lot of every Member of this House—You have been for four nights, for four conspicuous nights, debating upon a subject of the deepest interest to Ireland. To-morrow's post will carry to that country the result of your deliberations. What shall it be? Shall the message carry consolation to the people of Ireland, or shall it be the cause of still further exasperating their feelings?—I hope—I believe that it will have a soothing, not an irritating effect.—Oh, surely, you ought to be weary of misgoverning Ireland. For 700 years have you misgoverned her, and in a way in which one country never misgoverned another—[*"Hear," and cries of "Ques-*

tion"]. Is it denied? Who dares to deny it? I have never heard any man hardy enough to deny it, for the only reply ever given to its frequent assertion was shouting down those who made it—and treating them with the utmost contempt. The gallant Officer opposite has accounted for this misgovernment—not by decrying it, for it is universally admitted—not by qualifying it, but by saying that it did not take place upon the score of religion. While all England was Catholic, and Ireland was Catholic you misgoverned her, so that religion was not the cause of it. This was the argument of the gallant Officer, and I agree in its justice. The affectation of supporting religion was too often the guise which concealed peculating plunder upon the one hand, and interested bigotry upon the other. But that you have always misgoverned Ireland is admitted. What we want to know is, whether there is now any prospect of a better system? whether a new period has arrived, and whether we may entertain a hope that a better form of Government will be adopted? I think the nature of this Motion is that it is an earnest and a pledge of better days—Its value is that it is a declaration on the part of the House that they are determined not to continue a bad system, but that the period has arrived when they will try another remedy. This is the value of the declaration.—It is not a Question of who shall be Minister—of what party shall prevail, or of what may be the result of the debate, or how it may affect that House or the Government. It ought to go to Ireland, either as the denial of justice, for the hundred-thousandth time refused, or as the first pledge of a better system, and of another mode of Government. I should be disposed to trespass upon the attention of the House, but that many of the topics upon which I should feel it my duty to have addressed them, are admitted by all parties. Who is it that denies the capabilities of Ireland, her fertility, or her abundance? And yet with all the advantages which nature and nature's God have given her, what country so well situated for the enjoyment of prosperity—what country I ask you, is so miserable? Where is there so much poverty, so much distress, and so much discontent as in Ireland?—Who is it, or what is it that has produced it? You, you it is who have produced it, the British Government. I arraign you—not the Government of to-day, or of yes-

terday—not the Administration of this, or of that particular period; but it has been the entire conduct and system of the Government hitherto pursued towards that country which has produced this effect. This you should acknowledge. I ask you, do you now treat Ireland with fair play or with justice? The people of England are (the great majority of them at least) Members of the Established Church. They have justice done them—for the religion of the people is the religion of the State, and there is a community between the Church, the State, and the people.—The religion of the majority of the people of Scotland is the Presbyterian—and their religion is the religion of the State. What is the consequence? The people of Scotland are happy, comfortable, and contented—And this, as I have said, is because the religion of the people is the religion of the State. Well—do I ask you to go the same length in Ireland? No, I do not. I don't want the religion of the majority of the people, to be made the religion of the State—I agree with my hon. Friend, the Member for Weymouth, that there was never any thing so destructive of religion as to make its clergy too rich to mind their duties—too attentive to the affairs of State to bestow any care upon affairs of religion. Ireland would repudiate such a connexion. I would reject it.—If the Catholic religion cannot subsist under a system of fair play, as it has subsisted under a system of injustice, why then let it not subsist at all. Give the Protestant Religion fair play, and if it be the better religion it will succeed. I will say more, that if it be the better religion it ought to succeed, and there is no man more ready to give up his opinion than I am, when it is shown to be erroneous. I feel it is impossible to convince the people of Ireland that that religion is the religion of Christ, which comes amongst them in the garb of an oppressor. I do assure the House that I am passing as rapidly as possible over those topics which suggest themselves to my mind upon the present Question.—I have laid down the position that Ireland has been hitherto misgoverned—that she has been reduced to poverty and distress. I have showed you the different modes adopted towards the three countries, and I ask, will you cure these evils? Will you now commence to cure them by a Proclamation, announcing your intention of giving up,

not all the wealth and emoluments wrung from the people of Ireland for the support of a Church in which they do not believe, but the surplus, after providing for the spiritual wants of the Protestants, for the general purposes of education? But let justice—the fullest justice be done. I agree with my hon. Friend the Member for Weymouth, that if the Protestants increase under that system, they will have a perfect right to come down to this House and call for an increase of funds for supplying their spiritual wants. So that there is not a particle of anything that savours of bigotry or exclusiveness—there is not anything which calls upon you to act in opposition to the Protestant religion in Ireland—in the system proposed in the Motion of the noble Lord, of which I am the advocate. Why then should you oppose this Motion? You should oppose it as Protestants, or as Statesmen, on the ground of religion, or of State policy. Have you any ground of religion upon which to build your opposition to the Motion of the noble Lord. For 300 years you have used every instrument within your reach for the purpose of converting the Catholics to the Protestant religion. No such scenes were ever witnessed in any country as were enacted in Ireland. You wielded the power of the State, and the power of the sword; you employed the aid of the emaciating, cruel, and barbarous penal-laws. You did this in open and wanton violation of the most solemn Treaties, kept so long as it was your interest to keep them, but broken when any object was to be attained by their violation. This is an epitome of the history of Protestantism in Ireland. You called to your aid, wealth, strength, and worldly power—you established your Bishopsricks, your Chapters, and your Deaneries—you reared up your gorgeous hierarchy—you took the Churches from the people—you despoiled their altars, and prostrated their temples; every exertion did you make to obliterate the religion of the people, or to alter it into that which you wished to substitute in its place. Do you think that this could have been effected in Ireland, if the Church were not under the protection of the Government?—Do you imagine it? No—no man can for a moment dream of it. Do you think that such a system would be tolerated in England? If any man were to move a Resolution in this House, to the effect,

that 2,000,000 of Catholics should tax the remainder of the people for the supply of their spiritual wants—that their Church should become the Church of the State—and that the Protestant population of this country should contribute tithes, oblations, and all manner of offerings, for its support—do you imagine that it is in Parliament the Question would be decided? Do you not believe that the Question would be decided by the people of England themselves?—and if necessary, in the field of battle? Did they not decide it before? When an English Monarch attempted to violate their consciences, they drove him into a foreign land to linger out the remainder of his existence, upset his dynasty, and established another in its place. But how has the experiment which you have tried succeeded? Has it not failed—signally failed? Is it not an admitted fact, that the number of Protestants have not increased under its influence? I shall not weary the attention of the House by going into particular instances, to show that the experiment has failed; but I shall take the county of Kerry as an example:—In that county, I find, by the Parliamentary Returns, that in 1731, the number of Catholics, compared to the Protestants, was as twelve to one. What is the proportion now? It is as fifty-two to one. Have you succeeded there? No. Your success consists in having, in the year 1835, a proportion of fifty-two Catholics to one Protestant, in a county in which, in 1731, the proportion was twelve Catholics to one Protestant. But is this all? No; take any parish of Ireland, and you will find a similar result—you will find the success of your system to have been equally remarkable. I should not have been tempted to have trespassed upon the House at all, if it had not been urged, that as Protestants, you were bound to continue this system, because if you only had for active curates, men of popular manners, and, above all things, “men of nerve,”—you would soon have your Protestants ready made to your hands, and your curates fit for your gorgeous hierarchy. A curious compliment, by the way, is this to the by-gone clergy. You want active curates, it seems; and you have been for 300 years, before you fished up these men of nerve, recommended to you by the noble Lord (Stanley). You now forget the services of those who have passed away; but who, during their

times, were constantly eulogized as men of the most exemplary piety. They were never spoken of in Parliament but in terms of the most outrageous eulogy, as men of the greatest benevolence and charity, who, possessed of only about 10,000*l.* or 14,000*l.* a-year, spent perhaps 70*l.* or 80*l.* in the decoration of a Church. They were immediately lauded as the very models of piety, charity, and clerical perfection. [*“Oh, oh,” and “Question.”*] Well, then, they were not. [*Loud laughter.*] But the Member for the University of Oxford or Cambridge, I know not which, took up the story of the noble Lord, and dwelt on what you might be able to effect with the aid of those active men of nerve. I happen to know something connected with their success, which I shall take leave to mention to the House, and more particularly as it corrects a misapprehension created by some observations of the noble Lord opposite. I must first remind the noble Lord, that Cahircineen is a town, and not a village, as he was pleased last evening to denominate it. The noble Lord stated, that Divine service had ceased to be performed in Cahircineen before the present curate had arrived there. Now, I beg to correct the noble Lord, and to assure him, that Divine service had at no time ceased to be performed in Cahircineen. But the noble Lord's “clergyman of nerve,” has a congregation of seventy; and this I wish the House to recollect out of a population of 7,000. This is, according to the Population Returns of 1821, in which it appears that the number of Protestants was seventy-four. In 1818, when I first got possession of the property, there were in the town—or it was then “a village,”—but five houses. Three of them belonged to Catholics, and two to Protestants. In 1821, the number of houses had increased to eighty-seven, and the number of inhabitants to 205, and in 1831, the number of houses had increased to 189, and the number of inhabitants to 1,195. So that in thirteen years the population of that town had increased from 205 to 1,195, so even if your “clergyman of nerve” has a congregation of seventy-four, it is very far from being in a ratio with the increase of the population. But did the noble Lord's informant tell how many converts the “clergyman of nerve” had made? No, he did not, for he could not. But I can tell the noble Lord, that a farmer—a very respectable proprietor

there, who was a Protestant, is now a Catholic; more than that, I can tell the noble Lord, that the clerk of this “young, active clergyman of nerve” died a Roman Catholic. So much for the success of the exertions of the “clergyman of nerve” in Cahircineen, on which the noble Lord forwarded his hopes of the establishment of Protestantism in Ireland. That there are now more Protestants in the town than there were some time since is perfectly true; but what is the reason? Why, because a near relation of my own, a cousin german, with his wife and nine children—all of whom are Protestants—came from Cork to reside in Cahircineen, and thus it is to the accession of eleven of my own dearest relatives that “the clergyman of nerve” owes the increase of his congregation. But, to be sure, he has other, and not inconsiderable, recommendations. He has a living near Dingle, to which he goes when the shearing season arrives; and, except at that period, his flock in that part of the country never see him. He collects the rents too, for the Knight of Kerry, and is, in addition, one of the busiest Magistrates in the “Kingdom of Kerry.” Yet this is quoted as a specimen of the way in which Protestantism increases under the present system in Ireland. Nor was it quoted as a ludicrous case by the noble Lord, but as a case that was to produce an effect upon the House. We, Sir, may, for the moment, make sport of this; but, in sober sadness, I ask, how will it tell upon the people of Ireland? I will quote one other case of many that I know! it is the Union of Killakee in the county Cork, in which there are 4,011 Catholics and three Protestants, and the income of the clergyman is 1,500*l.* a-year. This I have upon the authority of Mr. Young, the parish priest, who has enumerated every one of them, and who has written to me to say, that there is not a better gentleman than the rector. He had not sent in the army or the police to collect his tithes, though his composition had not been paid for the last two years. He had not only not availed himself of the aid of the military to collect the composition, but he had sent a subscription of 6*l.* in aid of the priest's school. This I have felt it my duty to state. You see that he does not get a shilling of his composition. How are you to remedy this? I believe it will be admitted that there is no sincerer Protestant than my hon. Friend, the Member

for Weymouth. As far as I am able to judge I believe there is not upon either side of the House any hon. Member who is more sincere in his religious opinions; yet he tells you that under the present system you can never Protestantise Ireland. I agree with him. I know the Irish are too shrewd, and that they have too strong a perception of the ludicrous, not to smile at the idea of Christian piety in the guise in which it is introduced to them, in the form of an ascendancy carrying injury and insult in its track. The right hon. Baronet the Secretary for Ireland, has given this to you as his opinion also, and surely no one will suspect him of misrepresenting his intentions. I fully admit the candour of his statement, and am convinced of the sincerity of his intention. But of what avail is the one or the other? He is surrounded on every side by the Protestant ascendancy party, with religion on their lips, but treachery in their actions, and cruelty in the heart—"Oh, oh!"—I repeat it, and I say it is time for the present or any other Administration to decide whether or not they will continue to countenance that party in Ireland. Give some tangible benefit to that country instead of a paltry expression of your sympathy. Religion then has nothing, or should have nothing to do with your opposition to this Motion. What then are you to do as Statesmen? The gallant Officer opposite has admitted that Tithe cannot be collected. And in the deficiency of this collection, what do you do? You call upon the people, the people of England, to pay one million that can never be recovered. Then you compel the people of England to pay one million of money for the pleasure of misgoverning Ireland. This million of money I told you when you were giving it you would not get back. You cannot recover it, for certainly the Chancellor of the Exchequer would not give it up if there were a possibility of recovering it. It is due according to law, and we have heard a great deal of late about the propriety of vindicating and enforcing the law. The gallant officer has himself admitted that it cannot be recovered—and why? Because the Irish, though they have not, like the Scotch, turned out upon the mountain's side with their broad swords in their hands, yet entertain a determined and fixed opposition to the collection of tithe. This feeling is deep-rooted and universal, and

therefore you cannot collect this million. But it appears you are to make the landlords the tithe proctors, and I heard a shout from many of them at the proposition. I hope the hon. Member for Londonderry is within hearing. Is that hon. Member aware—has he heard of the determination formed in the county of Londonderry not to pay tithes? I have heard it from an authority which I am not at liberty to name in public, but which I have no objection to communicate in private, and if informed of it, I am sure there is not a Member upon those benches (the Ministerial) who would not readily admit that my authority was not likely either to deceive or be deceived. Upon that authority I can inform the hon. Member and those who act with him that a system has been commenced in that country of opposition to the collection of tithes—and I have not the slightest doubt upon my mind that you will very soon see in the north the same organised opposition to this impost which prevails so extensively and so efficiently in the south of Ireland. I call upon you to hesitate before you give a vote which may increase the existing evils, rendering it more complicated by embodying an opposition to rents with that that is now only offered to tithes. Is the past system then, I ask you, to continue? Are we to have no hope of an amelioration? The noble Lord, the Member for Devonshire, has held out a hope, and right well has that hope been followed up by the declaration of the noble Lord the Member for Northumberland. Oh! I wish that the noble Lord the Member for Lancashire would only join them. And, after all, why should he not? Did he not bring in the 147th clause, though he subsequently changed his mind? May he not change his mind again, or are men to be allowed to relapse into old opinions only when those opinions happen to be erroneous? Well, this hope has been held out to the people. But we are told that the surplus is small—ay, but the principle is great. And that principle must be worked out—yes—it must be worked out—and how? Why, as every principle should be worked out. I do not shrink from this part of the subject. As the Protestants diminish, so shall the fund for the supply of their spiritual wants diminish—and as they increase, so shall the fund increase. I agree with my hon. Friend, the Member for Weymouth, that

as the Protestants increase, this fund should increase; but that the moment they decrease, that moment shall the fund be diminished to the extent of their wants. Oh; but you are afraid of a Catholic ascendancy in Ireland. What a period of the world is this, to think of establishing a new ascendancy! All the world has given it up but England. Tell me of any State upon the earth where there is not an establishment for the spiritual wants of one class of Christians to the same extent as for another. Show me another example of the same species of ascendancy as exists in Ireland. To one part of my query you may reply by crossing the seas, and pointing to America; but go through Europe and show me. But no—you are the laughing stock and the contempt of Europe. And yet hon. Gentlemen talk of their being rigid Protestants! In what does their strictness consist? Is it by giving the odious colour of ascendancy to their Government of Ireland, thus becoming the contempt of the congregated nations of the world? Catholic ascendancy in Ireland! Why the Catholic Church was three times in power since the Reformation. In the reign of Mary, when persecution reigned through the entire country—when the dungeons were crowded with prisoners—the scaffolds reeking with blood, and fires raged in London and in Bristol, what was the conduct of the Catholic Corporation of Dublin? Did they aid in the persecution? No. Take up Harris's History of the period—a writer most unfavourable to my view of the case, and in his reluctant pages you will find that the Catholics of Ireland never persecuted a single Protestant. And what was the conduct of the Catholic Corporation of Dublin? How unlike their successors. They took seventy houses for English Protestants flying from Bristol from the persecution of the Catholic Mary, and they entertained them for a year-and-a-half until death relieved the country from the persecution of that unhappy Princess. And you taunt hon. Members on this side of the House, with introducing Belgium as an illustration of the view I am taking of this subject: Are you aware that that is a Catholic Parliament? and that as the State does not interfere to limit the qualification of Members of the Legislature, priests are eligible to be elected? Are you aware, too, that four priests are members of the House of Commons of Belgium?

When, upon a recent occasion, the Minister brought forward his budget, and though no Minister could be a more rigid or conscientious Catholic, even in the practice of his religion, there was an item in it for the payment of a Protestant clergyman for the services of the English Church at Brussels. How did the four priests vote upon that occasion? Three of them voted for the item, and only one had the bigotry to vote against it. Thus, all over the world, is charity and benevolence making its way, but in Ireland alone you foster an unholy ascendancy. And provided this ascendancy give you their support, you throw them the spoil of the land—you place their henchmen at the head of the State—you cram the Privy Council with them—and they respond to your cry with blood and burnings. [*Cries of "No, no!"*] I say, yes, yes; and they heap calumnies even upon the highest characters—even of the ancient Protestant nobility if they only dare to execute their duty faithfully and impartially. Will the Parliament of England not assist—will they not rally round her to relieve her distress—will they not throw their shield over her? The state of Ireland had been well described long ago by Johnson, as given in his Life, by Boswell, who describes Johnson as bursting with indignation at the wrongs of Ireland. It is a very few lines, and I will read it to the House:—"Boswell: Pray, Mr. Dilly, (Mr. O'Connell, looking to Lord Stanley, oh how I wish our modern Dilly would see that Ireland is in an unnatural state, and that the minority are exercising such severity against the majority who are Catholics!), pray, Mr. Dilly, how does Dr. Leland's History of Ireland sell?—Johnson (bursting forth with generous indignation): The Irish are in a most unnatural state, for we see there the minority prevailing over the majority. There is no instance, even in the ten persecutions, of such severity as that which the Protestants of Ireland have exercised against the Catholics. Did we sell them, as we have conquered them, it would be above-board; to punish them by confiscation, and other penalties, as rebels, is monstrous injustice." You cannot sell us continued Mr. O'Connell, you cannot conquer us; you ought then to do us justice. The present Motion is an opening for you to do that justice. You will be told I exaggerate opinions, and that I am disposed to Repeal the Union. How then are you

to reconcile the Irish people to the Union. Is it by refusing to do them justice? Are you to take that as an argument from those who are favourable to Repeal by showing that this Parliament will not, at the commencement of its first Session, do them justice? Are you to fortify the Repealers, by telling the people of Ireland that they appeal to the Parliament in vain? I have heard the cant cry of Poor-Laws and things of that kind, and I have seen the rats who passed from this side to the opposite; but neither by cant nor sophistry can the Irish people be deluded or deceived. My opinion is favourable to Repeal; but I am ready to give the Union a fair trial. You never have done us justice. The Union never has had fair play—I admit that it never has. I am told that this House can govern Ireland as well as an Irish Parliament could—don't tell it to me, but prove it to me. The right hon. Baronet, the Member for Cumberland, quoted opinions of mine, delivered at a moment when I was rather too much occupied elsewhere. A little generosity might have been exhibited, considering the way in which I was occupied just then; but I dismiss that speech. I do not disavow the opinions he has referred to—they are strong—they are, if you will, extreme; but do you not know that nothing valuable has ever yet been obtained from a Government except by compulsion. He who wants anything must frighten it, and then he gets something less than he demands. No man has ever yet succeeded to the full extent of an extreme opinion. Robespierre and Marat, who governed by the guillotine, and were supported by a million of soldiers, so far from succeeding in their theories, contributed in the end to establish a more iron despotism than they had overthrown. I am ready, without any violation of my own opinions, to accept a compromise, which will commence by doing justice. You have now Ireland in the throes of agony at beholding the Orange flag hoisted, horrified at the spectacle of a Government and that faction combined. You have her in the disposition to be pacified, will you avail yourselves of it? Ireland is in that state that there never yet was a more propitious period for conciliating her. We do not wish you to put down a factious party; we ask you to reduce them to the level of members with us, and to the same state. We ask not that they should be

our slaves; but they shall not be our masters. All we require from you is justice between them and us. You met the application for the Repeal of the Union, not by a direct negative—not by the previous question—but by a solemn Resolution, pledging the Lords, the Commons, and the King, that they would do justice to Ireland. The last House of Commons, I will do them the justice to say, took the first step to redeem that promise with respect to tithes. The Melbourne Administration were determined upon doing that justice. I now appeal to this House, to tell the people of Ireland, who are anxious, who are ready to be conciliated, that you desire to place them in a state of political equality, in every respect excepting this, the giving of one shilling of money to our Church. Our Church is unpolluted by the Mammon of unrighteousness, and it is no less efficacious for the purposes of the people, and its hierarchy has remained unbroken. The voluntary principle has answered every purpose. We desire no adulterous connexion with the State. We repudiate it. We call upon you to adopt this resolution, and that if there be a surplus it should be employed for the purposes of education. What has been our cry?—that we have continued Papists because we are ignorant. Why, then, if you believe that ignorance is favourable to Popery, why not give money to instruct the people, in order that they may be disposed to Protestantism. We cannot do you the injustice of leading you to believe that education will have any such result. We say that if you enlighten Protestants they will come back to their fold from which they have strayed. Educate every body, and truth and religion will have fair play. Refuse this Motion, after four days' debate, and then send to Ireland paltry excuses, pitiful pretences, and rhetorical flourishes, and mark the result. Will those who have called out for "measures and not men" do anything which can be so totally inconsistent with the settled principles of justice and of political economy?

The *Chancellor of the Exchequer* said, it was because he took very much the same view of the intention and effect of the question now before the House with the hon. and learned Member who had just addressed it,—because he believed that the carrying of it would be considered

in Ireland as a proclamation of a future system of Government—because he believed that false hopes would be excited in Roman Catholics, and terror inspired in Protestants, unless the House acted with peculiar circumspection,—it was because he felt these things, that he was induced to overcome the disinclination which every man must have, whatever might be his experience in addressing a public assembly, in obtruding himself upon the House when its attention was exhausted, and when every argument bearing upon the case had been already urged with the greatest ability. Nothing but an imperative sense of public duty, imposed by the public situation which he held, could, under such circumstances, overcome his disinclination to appeal to the patience and indulgence of the House.

The right hon. Baronet then continued as follows :—At this critical period, at a time when Ireland is convulsed by agitation respecting tithe, we are called upon to decide this great question: What steps shall we take for the purpose of re-asserting an almost abdicated right of property? Four years have passed away without the practical assertion of that right in many parts of Ireland—the time has arrived when Parliament must interfere with the moral weight of its own inherent authority—and with the coercive obligations of positive law, for the purpose of enforcing rights which, if they remain longer in desuetude, will be lost for ever. I am so impressed with the extreme importance of this subject, that a great part of what has occurred in the course of the debate, I will pass over without notice. All that consisted of personal sarcasm on Members of the Government, of allusion to my course on the Catholic Question, of crimination and recrimination, I will entirely pass by. I have no extracts of speeches to read, by way of retaliation for the scraps extracted from my own. I have very little confidence in my own infallibility, and as little in the infallibility of others. It would therefore be no gratification to me to divert the attention of the House from this, the most important practical subject it has yet had to decide; it would be no gratification to me to snatch from some of my opponents the petty triumph which they think they have gained over me, and by proving in return, by quotations from *Hansard's*

Debates or the *Mirror of Parliament*, that, in the course of last year, they entertained opinions different from those which they now hold.

We are now called upon to decide a great question of public policy. There are four courses which are open to us to pursue; at least, there are four only that suggest themselves to my mind. You may adhere to the general principle of the existing law, and determine to maintain the Established Church in Ireland in the possession of its property. That is one course. You may assert that the property of the Church of Ireland is excessive, and attempt a final settlement of the question by determining the amount of the excess, discouraging all false expectations, by defining expressly the amount which you have determined to take from the Church and declaring that the rest shall remain secure in its undisturbed possession. That is the second course. The third course you may take is, to proclaim to the world,—“We have no preference for one religion over another—we will mete out that full measure of justice which the hon. and learned Member did not in direct terms call for, but to which the whole of his argument was directed—we will destroy the predominance of any one favoured religion, and either withhold endowments from all, or grant them to all indiscriminately and without a preference.” That is the third course. What is the fourth? The course which the noble Lord, the Member for Devonshire, proposes, the fatal course of superadding to religious dissensions, the dissensions of conflicting pecuniary interests,—of leaving nothing settled—of establishing nothing with respect to the amount of an assumed surplus—of laying down no principle, by which either the amount of application of that surplus can be determined,—of contenting yourselves (and this you call a permanent settlement of the question!) with asserting an unprofitable right to apply an imaginary surplus to an unexplained purpose. I should have thought the wit of man could have devised nothing more effectual than this for adding to the confusion which prevails in Ireland. But I was mistaken. You have not only adopted the mischievous course, but you have yourselves proved the folly of it. You have proposed one plan, and argued for another. You have attempted to prove that you ought to

destroy the predominance of the Church, and you leave it, with curtailed revenue indeed, but with predominance untouched. You shrink from acting on your own principles, you forget your own arguments, you invite us to take up a position which those arguments proved to be untenable. You tell the people of Ireland, not only that you will not determine the amount of the excess of the revenues of the Protestant Establishment in Ireland, but that you cannot indicate by what test it shall be decided. You leave it dependent on the will of any Government—you leave it dependent on the discretion of any man; all you say is, that if there be a surplus, about which you are not certain, you will apply it to an object which you will not explain. Your attempts to modify your own resolution, and diminish its danger, only throw in new elements of confusion. If Protestantism increases, you reserve the right to make additional provision for the Protestant Establishment—that is to say, you tell the Roman Catholics that they shall have a direct pecuniary interest in preventing the increase of that party which has (in the words of hon. Members opposite) exercised tyranny over them, that they shall have now an opportunity of revenging themselves for their past wrongs, by preventing the spread of that religion, through the extension of which their share in the public spoil will be diminished. Surely, Ireland is convulsed enough already—

“There hot and cold, and moist and dry,
Content alike for mastery.”

“But (turning towards Lord John Russell) you throw chaos in.” You, who professed yourself unable to determine this Question until you got further information—you, who appointed Commissioners not to inquire into statistical details merely, but expressly into the bearings of the Church Establishment in Ireland upon the religious and moral welfare of the country, you would not wait till you received the report of your own Commissioners—until you could arrange your own plan—until you could conduct the people of Ireland to the peaceable settlement of the Question, by producing, not an indefinite principle, to be applied on a remote and uncertain contingency, but a matured plan, affixing limits to the application of your principle, and enforcing its just execution. And for what is this done? For the mere purpose

of embarrassing a Government, of throwing an impediment in the way, not of the final adoption,—for that might be justifiable,—but of the calm discussion of a measure proposed with the sanction of the Crown. What risk would you incur, what advantage would you lose, by placing your practical plan in competition with that of the Government, and moving that plan in Committee as an amendment upon ours?

I am prepared to assert the rights of the Church to the remnant of the revenue which is left to her. All that I now ask is, permission to state calmly the grounds upon which I come to that conclusion. In the first place, I entreat you to bear in mind that there are other parties who are looking to our decision with equal anxiety to that which the Roman Catholics take in the result of the Question—I mean the Protestants of Ireland. I am not disposed to deny, that if you are clearly and decidedly of opinion that an imperative public interest requires the abandonment of a national compact, the violation of long prescription, the abrogation of laws affecting property,—I am not disposed to deny the abstract absolute right of the Legislature to do all these things; but I do assert, that before you do them, before you violate a solemn compact, and falsify the expectations to which you have yourselves given rise, you ought to be convinced, by arguments approaching to demonstration, of that overpowering necessity, which can alone be your vindication.

Within the last forty years, three great measures have been adopted affecting the relation of the Protestants of Ireland to their Roman Catholic fellow subjects. The first of these measures was the Act of Union, which differs in this respect from an ordinary law,—that it was a national compact, involving the conditions on which the Protestant Parliament of Ireland resigned its independent existence. In that compact express provision is made, which, if anything can have, has an obligation more binding than that of ordinary law. The hon. Member for St. Alban's may endeavour to show, by reading resolutions and extracts from Mr. Pitt's speeches, that some right was reserved in the Act of Union of interfering with respect to the Church. A right was reserved in that Act with respect to the removal of the civil disabilities

of the Catholics, but no right was reserved to the United Parliament to deal with the property of the Church in Ireland. Let any man read the Act of Union, and if its meaning is to be decided by a reference to the plain ordinary sense of the terms, he cannot doubt what that meaning is. The Act stipulates for the continuance and preservation of the Established Church as the Established Church of England and Ireland. There is, first, a stipulation that the doctrine, worship, discipline, and Government of the united Church shall remain in full force and for ever. Here you will say there is nothing specific as to Ireland; no mention of Church revenues. There is not; but superadded to this stipulation is another, as binding, as solemn, and which, being superadded, implies some new guarantee; the guarantee, I contend, of temporal rights and possessions. It is as follows:—the continuation and preservation of the said united Church as the Established Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the Union." This is the first of the three measures to which I referred, as the outworks and defences of the Church in Ireland.

I come to the second. In 1829, the civil disabilities of the Roman Catholics were removed by the Legislature, and the measure by which that object was effected partook also of the nature of a compact, as distinguished from an ordinary law. If that Act is, as we feel it to be, irrevocable with respect to the privileges which it conferred upon Roman Catholics, it is also (unless some great and urgent necessity should arise to render a change necessary) irrevocable with respect to the assurances which it gave to Protestants. By that Act, the Protestants of Ireland were led to believe that all intention to subvert the present Church Establishment as settled by law within these realms was most solemnly disclaimed and utterly abandoned. They were assured, on the obligation of an oath, that no privilege which the Act confers would be exercised to disturb or weaken the Protestant religion or the Protestant Government within these realms. They were told that the removal of the civil disabilities of the Catholics would give new security to the Church in Ireland. They were told that the removal of those disabilities would fully redress the injustice of which the hon.

and learned Member for Dublin has just been complaining. They little thought that within five years from the passing of that Act, the power which it conferred would be exercised to subvert the Church Establishment, so far as regards the property of the Church.

The third and last measure to which I have alluded as affecting the relation between Protestants and Roman Catholics in Ireland, and the immediate interests of the Established Church, was the Act passed within the short period of two years, for the reduction of the number of Bishops in Ireland, and the regulation of the Temporalities of the Church. You determined, and in my opinion, wisely, to review the state of the Irish Church, and to remove every imperfection and abuse. You provided, and in my opinion wisely, that Ecclesiastical sinecures in Ireland should follow the fate of civil sinecures—that measures should be adopted to reduce the revenues of livings too amply provided for, and to apply the excess to the increase of livings, for which there was no adequate maintenance, and to the building of glebe houses. Those who introduced that Act contended, at first, that the improved fund obtained by the conversion of Bishops' leases into perpetuities might be applied to secular purposes, but the subsequent abandonment of that clause, and the whole remaining tenour of the Act, clearly show that the principle of reserving Ecclesiastical property for strictly Ecclesiastical purposes was rigidly adhered to. Two years only have elapsed since the date of that Act and now, notwithstanding the Act of Union—notwithstanding the removal of the civil disabilities of the Catholics—notwithstanding the Reform of the Irish Church—notwithstanding the extinction of ten Bishopricks, the learned Member for Dublin (Mr. O'Connell) tells you that it is absolutely necessary that a proclamation should go forth to Ireland as the indication of a new system, and of the commencement of a new era.

The Member for St. Alban's contends, that because we concurred in the propriety of removing abuses in the Church Establishment of Ireland, and consented to the curtailment of livings too largely endowed, for the express purpose of supplying the deficiencies of others, we ourselves sanctioned the interference with the property of the Church, and are thereby

now precluded from objecting to the application of that property to secular purposes. He sees no distinction between the correction of an abuse for the express benefit of the Church, and the diversion of its revenues to other objects. The noble Lord who introduced this Motion declined entering upon the question of the inviolability of Church-property, thinking it involved long disputes, and that it was a Serbonian bog, in which whole armies of unfortunate logicians had sunk. I think the noble Lord acted wisely in determining to skirt the bog. The Member for St. Alban's, however, said boldly that, notwithstanding the warning of the noble Lord, he would plunge into the bog, and endeavour to reach the other side; and it is the ill-success of the hon. Member which has determined me not to follow his example. I watched the course of the hon. Member, and saw him, with great pain to himself, oppressed, no doubt, with the weight of his own arguments, floundering with Bacon in one hand, and four or five equal authorities in the other, in the middle of that bog, from which he never emerged whilst I remained in the House. I have no doubt, as I said before, that the cause of the hon. Member's mishap was his being encumbered by the armour of his own ponderous arguments. If gentlemen will come down to discuss questions in this House, loaded (as the Member for Shaftesbury (Mr. Poulter) professed himself to be) with all the hoarded wisdom that has been accumulating from the time of Noah to the very moment by the clock when he himself rose to speak, they must expect to meet the fate which has befallen the hon. Member for St. Alban's, and to be engulfed in the same bog. What can be more absurd than to assert, that because we consent to make some specific improvement in the distribution of Ecclesiastical property, for the admitted benefit of the Church, we are thereby compelled to assent to a proposal for applying that property to secular purposes? The Church, it is said, is not a corporation, but an aggregate of separate corporations, and if you touch one of them, you sanction the principle of control over Church-property, and the right to divert it to other purposes. This may sound logically correct, but appears to me practically absurd. What has been the course of the law with respect to this subject? On what prin-

ciple do the first-fruits proceed? On what principle does the Curates' Act rest? In each case, there is interference with the separate corporations, with the revenues of the individual preferment; but it is absurd from thence to attempt to establish the general right to apply Ecclesiastical property to secular purposes.

I contend, then, that nothing but the strongest conviction of absolute necessity can justify us, in defiance of the Act of Union, in defiance of the Catholic Relief Bill, and in defiance of the Church Temporalities' Act (and the understanding which prevailed in Parliament at the time it was passed), in appropriating Ecclesiastical property to other than Ecclesiastical objects. It is wholly unnecessary for me to discuss the question, what, on the supposition of there being an immense surplus, injurious to the Church itself, I would do with it. I will not discuss a hypothetical case. Why should I be called upon to discuss a contingent and hypothetical case, when in my opinion there is no surplus at all? Do not, however, infer that I entertain an opinion in concurrence with yours, because I decline to discuss a contingent and hypothetical case. The practical question is quite sufficient to occupy our attention at this stage of the debate, and therefore I will avoid all superfluous discussion. The noble Lord, the Member for Devonshire, says, that the whole annual revenue of the Irish Church is 791,000*l*. I assert, as positively, on the other side, that so far from the Church in Ireland having a clear revenue of 791,000*l*., it has not 450,000*l*. There is, you see, a great difference between us. Now, I ask the House of Commons whether it is just or wise to pronounce a decision with respect to the disposition of an assumed surplus, when so great a difference of opinion prevails as to the amount of revenue? Is it fair, I ask, to create a prejudice against the Church by the assumption of unfounded data? We are told that the Perpetuity Purchase Fund will realize a capital of 3,000,000*l*.: I say, that it has not realized 60,000*l*., that it is now in debt to the amount of 100,000*l*. and from the information which I have received, I believe it never can realize much more than the third of 3,000,000*l*. We are told that the annual revenue of the Church is 791,000*l*.: I assert that it is not more than 450,000*l*., and then I ask you whe-

ther you will this night adopt a Resolution pledging you to an appropriation of a surplus which has no existence, except in the imagination of the noble Lord? I will ask the noble Lord a question:—Has he made an estimate of the sum required for the purposes of national education? I beg the House to observe that this is a very important point. Ought we to be called upon to lay down a rule with respect to the application of a surplus—ought we to bind ourselves to its application to one specific object in preference to, nay, in exclusion of, every other—without having some estimate of the sum which will be wanted for the purpose to which the appropriation is to be made? I wish the noble Lord would endeavour to answer the following argument. The noble Lord assumes that the revenue of the Church is 791,000*l.*, and proposes to appropriate a certain proportion of that sum to the purposes of education. I ask him what estimate he demands for those purposes? Does any man believe that 100,000*l.* will be required annually for education? However, to prevent any cavilling, I will give the noble Lord double that sum, namely, 200,000*l.* I would, indeed, advise the House, before they encumber education in Ireland with an annual grant to such an amount, to acquire some information upon the subject; and well to consider what effect may result from such an application of money by discouraging local exertions, and drying up the sources of local contributions. But supposing the noble Lord should require 200,000*l.* annually for purposes of education, he would still leave the Church of Ireland, according to his own showing, in possession of a yearly revenue of 591,000*l.* Now, observe, he claims no part of the Church revenue for any other object than education. His settlement, he says, is to be a final one. He excludes, therefore, every other object, and admits that the amount of revenue which he leaves to the Church is not too large. That amount is 591,000*l.* But I will show that the Church has only a revenue of 450,000*l.*; that it has actually less by 140,000*l.* than what the noble Lord himself is willing to leave to it, after his deductions for other objects. How can you then resist the conclusion, that, if my estimate of the future revenue of the Church be correct, you have a deficiency to supply, rather than a surplus to appropriate, and that you are wasting your time in an unprofitable and

mischievous discussion? Still I do not ask you to decide against the Question of Appropriation now; I only ask you to inquire before you decide, into a simple, surely an important fact, whether the revenue with which you are about to deal, amounts to 791,000*l.* or to 450,000*l.* This matter is too important to be thus trifled with. You have a right to insist upon the noble Lord's producing the grounds of his calculation and the details of his practical plan. That is the only course to prevent the exciting of extravagant hopes and subsequent disappointment. The noble Lord's proposition will not give satisfaction to any party—neither to the people of this country, nor to the Protestants of Ireland, nor to the Roman Catholics. Why, then, should we, at this stage of the business, without waiting for the report of the Commissioners appointed a few months since—a report to which I attach no importance, but which the noble Lord must consider the foundation of his measure—why should we pledge the House of Commons to a resolution which is utterly unnecessary, and give a pledge which we may not be able to redeem?

You say, and you say with truth, that the Irish Church has not hitherto succeeded in effecting the great objects for which it was established. I wish to meet that question. I am prepared, I am anxious, to discuss it. I know there can be no advantage in concealing what constitutes the real stress and substance of the argument on which you mainly rely. I may fail in meeting that argument, but I have no wish to shrink from or to misrepresent it. You say, then, that the Irish Protestant Establishment has failed in effecting the ends for which it was instituted; that there are not more than 1,000,000 of Protestants, while there are 6,000,000 of Roman Catholics; that the Protestants have not been on the increase; that the Roman Catholics still maintain the great ascendancy of numbers; and the Protestant Establishment having thus failed in accomplishing its objects, you are now, therefore, at liberty to curtail its supposed excessive revenues. My answer is simply this:—if there have been causes in operation, up to a very recent period, which have prevented the growth and expansion of Protestantism, and if those causes have now ceased to exist, if they are no longer operative, you are not justified in arguing from the experience of

the past; you are not justified in appropriating a surplus which might not be necessary for the wants of the Establishment, if the past were to continue, but which, because that past is not to endure, may be now, or may become, necessary for the spiritual wants of the Irish people. We have, in the first place, removed all civil disabilities, and put Protestant and Catholic in circumstances of perfect equality as to the possession of civil rights. It was one of the most forcible arguments against the existence of those civil disabilities, that, while they continued, a prejudice was unavoidably fostered against the reformed religion, and that an impediment of pride was necessarily opposed to conversion and conformity. There appeared to be a worldly interest in conforming to Protestantism, of which it shocked the feelings of the Roman Catholic to incur the odium. But that impediment has now been removed. Conformity brings with it no temporal or civil advantage; there is no obstacle, therefore, of pride to be overcome. Again, there were abuses in the Church, and an irregularity in the distribution of its revenues, which had also impeded the progress of its doctrines. I say, again, those abuses have ceased to exist, or, if they still continue, they shall cease to exist. The time has come when all abuses must be corrected—the time has come when Parliament must insist on their correction. No one will vindicate the exact distribution of the ecclesiastical revenues of Ireland according to the mode heretofore adopted, provided you can show that another distribution for the same objects will be more serviceable and advantageous; there is no other limit to the principle of correction than that of applying Church revenues to ecclesiastical purposes. It is said, again, that the superfluous wealth of the Establishment had been another cause which has obstructed the progress of reformation. Superfluous wealth indeed! The superfluous wealth of the starving clergy in the south of Ireland! You have already taken effectual measures to remove the obstacle of superfluous wealth to the progress of reformation. What a mockery! To talk of the trappings of luxury and indolent enjoyment among those who have been robbed of their property for the last four years! It is possible that, in the inscrutable dispensations

of Providence, the miseries which the clergy have endured, the extreme suffering they have undergone, but, above all, the patience and meek forbearance with which many of them had borne their wrongs, manifesting a determination for themselves and—what is a harder trial—for their families to submit to privations from which your own meanest servants would shrink with indignation, it is possible that this training in the school of affliction—this public exhibition of undeserved wrong, may conciliate towards the sufferers, and towards the faith which they profess, a feeling of respect which may predispose the public mind to receive the salutary influence of a pure and tolerant religion. If, then, such be the case if some of the causes which have prevented the spread of Protestantism have been removed, what right have you to legislate on the assumption of a surplus?

You are not now about to determine whether it be expedient to found a new establishment in Ireland—you are not about to determine how you will appropriate an unapplied revenue to religious purposes. The Establishment is in existence. The revenues belong to it. How will you deal, let me ask, with the churches that now exist? You have already 1,100 churches for Protestant worship. Is it part of the noble Lord's plan to abandon them? You have 800 or 900 glebe houses. Under the Temporalities' Bill you have made provision for the increase of small livings and the building of new churches. How do you mean to deal with the existing state of things? You say it is your intention to encourage the Protestant landlord to reside on his estate. Shall the first spectacle you place before his eyes be the dilapidation and ruin of that Church which should afford a sanctuary for himself and family? I do call upon the hon. Member for Weymouth (Mr. Buxton) to lend me his attention for a moment to this part of the case—and, to the last report made by the Commissioners acting under the Church Temporalities' Bill, who were appointed by the late Government, and some of whom now preside over the Board of Education. To that Report I entreat the attention of the hon. Member, and of every hon. Gentleman who professes not to consider this a party question—whose mind is not yet made up—who is willing to pause—[interruption]—Oh, yes! you, who make that exclamation,

well know that there are many who are dissatisfied with the progress of this debate. [*Cheers.*] I understand you—there are many who are uneasy, who are unconvinced, who are not yet quite prepared to give the irrevocable pledge. [*“No, no!” and cheers.*] I call, then, on those whose minds are not yet made up—not to decide to night on the principle, but to wait for the practical plan by which that principle shall be carried into execution. [*Loud cheers, and some interruption from the hon. Member for St. Alban’s.*] Oh! I am not addressing myself to you; I have no hope of your conformity. I am addressing myself to those who have not taken quite so prominent and conspicuous a part, and from whose position I infer that their minds may be less determined than yours. I call their attention to this last Report, which was made to the Government specifically on the subject of the demand for Protestant worship. The first name appended to it is that of the Archbishop of Dublin, and the Report stated, “In connexion with the subject of Churches, the Commissioners cannot but express the satisfaction they feel in having to report to your Excellency, that many applications have been made to them for aid towards the erection of additional Churches, it appearing that the accommodation at present subsisting in those districts or parishes from which applications have been received is quite insufficient for the congregations of the established Church. And while the Commissioners have to mention that in many cases parishes have expressed their willingness to contribute or cause to be contributed certain proportions of the expenses required for building Churches, in some cases amounting to one-fifth, in some to one-half, and in others to three fourths of the sum required for the purpose—we cannot but regret to say, that our superfluous funds, which are only applicable to the objects under consideration, could hold out no prospect of the applications in question being favourably entertained.” Now, it surely argues no indifference, no lukewarmness, on the part of the Protestant population, when parties are willing, after you have abolished the vestry cess, to contribute one half and even three fourths of the expenses required for the erection of additional places of Protestant worship.

Now let me for a moment again address myself to the argument of the hon. Member for Weymouth (Mr. Buxton), who

discussed the Question in the fair spirit in which it ought to be treated. Determined to maintain the Protestant Establishment, he thought that there was still an available surplus, and was prepared to appropriate it to some purpose of education, reserving a fund for the necessities of the Protestant religion, in case such necessities should hereafter arise. Now I differ from him in opinion with respect to this: I think that the necessity he contemplates now exists—that it is now necessary to appropriate the whole of the existing revenues of the Church to Ecclesiastical purposes. The hon. Gentleman says he would send through Ireland a number of Protestant Clergymen, whose zeal should supply the place of wealth, and who, by the exercise of disinterestedness and exhibition of poverty, should conciliate towards themselves those feelings of kindness and respect which have been nearly extinguished by the noxious exhibitions of worldly wealth. It is because I totally differ from the hon. Gentleman as to the policy of the course he recommends, and the probable effects of that policy, that I come to a different conclusion from him, as to our control over an available surplus, and that I hope, if I succeed in converting him to my views, I may even yet have the benefit of his vote. The plan suggested by the hon. Member is that which has been unequivocally condemned in this debate by the noble Lord (Lord John Russell), who maintained, that nothing could be more fatal, in attempts to convert the Roman Catholic population than the exhibition of intemperate zeal. I entreat the hon. Gentleman to remember also, that the policy of our Establishment is essentially different from that of the Roman Catholic Church. It may be possible for a man on whom celibacy is enjoined, to pass his hours in retirement, and, free from domestic cares, to devote his life to the unremitting discharge of the spiritual functions of his office: but we impose no restrictions of celibacy, we do not hold that the local influence of a religious and pious clergyman will be diminished, if he is also enabled to set the example of a strict performance of every domestic duty. I deny, then, the justice of the hon. Gentleman’s argument; I think it is infinitely better to place a man of education in a fixed and permanent charge—to remove him from the temptation of poverty, to allot to him what may be sufficient for the decorous and independent maintenance of himself

and family, and trust to the mild, beneficent, and assiduous discharge of his pastoral duties, and the exhibition of virtuous example in domestic life, as more likely to make an impression on hostile minds, than if we required, as part of our system, the possession of extraordinary virtues and extraordinary zeal,—expecting, not in the case of a single individual, but, systematically, from all whom we may employ, that they should be able to resist all the temptations, and endure all the privations of poverty. The principle of our Establishment is, in my opinion, a safer and a wiser one. When I look at the expensive course of education which must be pursued by a clergyman—when I look at the situation which he ought to sustain,—the means he ought to possess of influencing those who stand in at least as much need of his ministrations as the humbler members of his flock, those I mean, in a corresponding station in life to his own,—I should deprecate, above all things, the encouragement of an extravagant zeal, and the exhibition of poverty, as the instruments of conversion, and the guarantee of moral habits in Ireland. If you admit this principle—if, looking to the education that must be had, and the acquirements that must be attained—looking to the life which a clergyman must lead—the dangers to which he and his family may, perhaps, be exposed—the absence in many parts of Ireland of all society which can be gratifying to the feelings and habits of an educated and intellectual man—the demands upon his charity—what, I ask you, is the sum which you think it would be fair and sufficient to provide for the maintenance in such circumstances of a Protestant clergyman and his family? You have now 1400 benefices in Ireland, 1100 churches, 1400 clergymen, and, in addition, 600 curates, to whom hitherto no reference has been made—how many of these do you propose to reduce? Do you think you can propose, without shocking the feelings of the Protestant population in Ireland, to remove 200 or 300 clergymen from the benefices which they now hold in that country? After making any reductions which you may propose, what sum, I again ask, will you provide as sufficient for the maintenance, in decent independence, of a Protestant clergyman and his family? I should object to any principle of division for the purpose of effecting an equalization of incomes; but if the sum you were to

allot does not exceed 300*l.* a year for each clergyman, suppose it were equally distributed, does the hon. Gentleman (Mr. Buxton) think that we are claiming too much, if, in the present state of things, we demand the application of the Church revenues to strictly Ecclesiastical purposes.

I will now examine the argument adduced by the right hon. Member for the town of Cambridge (Mr. Spring Rice), which seemed to make considerable impression on the House. The argument was this—that by the original endowment of the Irish Church there was a pecuniary charge on account of religious education, and that therefore there could be no injustice to that Church in the appropriation of some part of its revenues to the purposes of national education. Now, I deny the validity and application of that argument. After two days' debate—after a marked difference of opinion on principle between those who had taken a part in it, some contending that the surplus endowments of the Church might be applied to secular purposes, others denying that they could, the right hon. Gentleman came down, at the close of the third night's debate, and declared, “There is not the slightest necessity for any difference of opinion between us on the point; I will prove that education is an Ecclesiastical purpose, and put an end at once to the whole question in dispute, on the authority of King Henry 8th.” But I hold in my hand a Report made on education by an authority to which the hon. Members opposite will, I have no doubt, be inclined to pay the utmost deference; that authority being no less than the right hon. Gentleman (Mr. S. Rice) himself. The Report was made so lately as the year 1828. It reviewed the whole of the previous Reports on Education—it embraced some twenty-three Resolutions—it contained a specific reference to the Act of Henry 8th; but not one word is said in the whole of that Report, from beginning to end, with respect to education being a pecuniary charge on the Church of Ireland. The right hon. Gentleman neither proposed the application of Church revenues to defray the charge of education, nor was he then an advocate for gratuitous education. Now, you are about to decide that question also by your vote; you are about to decide, that education shall be gratuitous in Ireland. I ask you seriously to consider the importance of this principle.

I ask you to pause before you sanction it. There are, in my mind, the gravest and most serious grounds of doubt with respect to its propriety and expediency. I utterly deny the possibility of applying any such sum as 200,000*l.* annually to education in Ireland without doing much more harm than good. Here is the right hon. Gentleman's own Report in 1828. I will not refer to it at any length, but the purport of it is to recommend the plan of the noble Lord (Stanley), which was adopted by the House of Commons; but not one word does it contain of the pecuniary charge which he now asserts rests on the Irish Church revenues for purposes of education. On the contrary, here is one of his own Resolutions:—"That it is the opinion of this Committee that Parliamentary aid for the establishment and support of schools in Ireland should be for the future restricted in granting aid to parishes to two-thirds of the sum required;" and then follow details of the manner in which the local assessment should be raised; the principal object being to invite individual contributions and assistance towards the erection and superintendence of the schools. This was a wise principle. It was not recommended by economy alone. It proclaimed the great truth, that those who hold property have duties attached to the possession of it, and are bound by local ties to attend to local interests. It established the best link between the rich and the poor. It gave to the rich an interest in the condition of the poor; it confirmed in the poor a feeling of respect and gratitude towards the rich. I do not hesitate to say, that even if you had the money to apply, you would do more harm than good, if you were to relieve the clergy and gentlemen of Ireland from the duty of paying that attention to local matters which those in England are accustomed to pay, from the necessity of local contributions, and local exertions in the cause of local education.

The right hon. Gentleman asserts, that the Act of Henry 8th established the principle, that the charge of education, the pecuniary charge, ought to be defrayed by taxation of the Church. Now I assert, as boldly as the right hon. Gentleman asserted the contrary, that the object of the Act of Henry 8th was, with regard to education, to recognise and confirm the principle of an Established Church; and

that the inference he has drawn from it, that it confers a right to appropriate the surplus of Church revenue to general education, is directly at variance with the fact. The object of that Act was to confirm the progress of religious instruction, by subjecting parochial schools to the superintendence of a resident clergyman. The Act expressly recites, that a knowledge of Divine truths was essential to education; it was passed, after the declaration of the King's supremacy, after the annihilation, by law at least, of the power of the Pope in Ireland. It required an oath to be administered to every clergyman to teach, or to cause to be taught, a school in each parish; thereby recognising and ratifying, in the strongest manner, the principle of an Establishment, by stationing a minister in each parish, and placing the education of the parishioners under his charge. I assert, that the intention of the statute of Henry 8th was not pecuniary contribution, but superintendence; and that is the point on which I am at issue with the right hon. Gentleman. He maintained that the object of the Act was contribution, and therefore he justified the application of Ecclesiastical funds to the purposes of education. Now true it is, that, by subsequent practice, a yearly payment has been made by the clergymen of many parishes in which no school is kept. There is a pecuniary charge in lieu of the spiritual duty. But is there the slightest analogy between establishing, and now, if you please, enforcing that charge—between making each minister either keep a school within his benefice or contribute towards its maintenance, and transferring from the Church a large portion of its revenue, to be applied to a fund placed under other control than that of the Church, and applicable to some system of general education? My assertion, I repeat, is, that the object of the Act of Henry 8th was superintendence, while the right hon. Gentleman maintains that it was contribution. Now the right hon. Gentleman had a great many small slips of paper, which he read with great effect in the course of his speech. He alluded to the Report of a Commission which we had appointed many years since, to which he attached the greatest importance, and which consisted of Mr. Frankland Lewis, Mr. Leslie Foster, Mr. Blake, a Roman Catholic gentleman, Mr. Glassford, and Mr. W. Grant, an English barrister; but,

amidst all the extracts which he adduced for the purpose of proving that the principle of contribution was established by the statute of Henry 8th, there was one, apparently a very material one, which somehow or other seems to have un- luckily escaped his notice. Speaking of that very statute, and its bearing on this very subject, these Commissioners, so deserving of all confidence, declare, "It is obvious to us that the intention of the statute of Henry 8th was not pecuniary contribution, but superintendence; and that it did impose the latter duty. This Act, after reciting, among other things, 'the importance of a good instruction in the most blessed laws of Almighty God,' and further reciting his Majesty's disposition and zeal that 'a certain direction and order be had, that all we, his subjects, should the better know God, and do that thing that might in time be, and redound to, our wealth, quiet, and commodity,' proceeds, after a variety of enactments tending to the suppression of the Irish and the introduction of the English language and customs, to require an oath to be administered to every clergyman at ordination, and another at institution, that, amongst other things, 'he should keep, or cause to be kept, within the place, territory, or parish where he shall have pre-eminence, rule, benefice, or promotion, a school for to learn English, if any children of his parish come to him to learn the same, taking for the keeping of the same school such convenient stipend or salary as in the said land is accustomed to be given.'" What, then, becomes of the argument that the Act of Henry 8th, and the whole tenour of subsequent Statutes, authorised the application of the Ecclesiastical revenues in Ireland to general instruction, unconnected with that Church? The argument is wholly without foundation; and the whole history and tenure of the Statutes show that, so far from being at variance with the principle of an Establishment, or authorising the application of the Ecclesiastical revenues to the purposes of mere general instruction, unconnected with the Established Church, their object was to connect education with the Church, and fortify the principle of an Establishment. I myself brought in an Act for the regulation of diocesan schools, which expressly provided for the support of a school in each diocese, to which

school the clergy were bound to contribute. If I had sought for a pretext for supporting the noble Lord's Resolution, on account of that Act, so introduced by me, if I had contended that I was at liberty to carry into execution the principle of the Resolution, because I had enforced by laws contributions towards a diocesan school, from the clergy of each diocese, with what a burst of laughter would such reasoning have been received? As to the application of the supposed surplus revenues, I entreat you, from the interest you take in education, not to decide that question at present. If you had the surplus you suppose, nothing could be so unwise as to pledge yourselves to-night on this point. It excludes all after consideration whether education shall be gratuitous or stipendiary. I bring you very great authorities against the principle of gratuitous education. This very Commission, to which I have already alluded, whose opinions the right hon. Gentleman so highly values, and whose authority he ought to appreciate, this very Commission states,—“We had in the course of our inspection, been much struck with the state of many schools in which the pupils paid for the instruction they received, and in which there appeared to be perfect harmony amongst children of all persuasions. These schools were carried on as objects of private speculation, and not supported either by public funds, or by the aid of societies. Each child was taught the religion which its parents wished it to learn.” You are assuming that no education at all exists in Ireland, while there never was a country in which there existed more superabundant means of education. This Commission again states,—“As to the funds for the maintenance of the new parochial schools, we recommend that they shall be derived partly from the State, partly from parochial assessments, and partly from payment by the pupils. Looking to the results of our own personal examination into schools of all descriptions, to the practical effects of the system so long and so beneficially in operation in Scotland, we are satisfied that the schools should be founded on the principle of pay-schools, and that the payment should go to the master and the usher. At what sum the rate of payment should be fixed, must depend upon local circumstances. By appointing in certain situations a higher rate of con-

tribution, a most eligible class of schools may readily be provided, with instruction suitable to a better description of persons. Although in all cases, payment by each scholar should be the rule, we recommend that there should be lodged in certain individuals a power of dispensing with the payment, and of admitting, as an exception, certain free scholars. Payment, however, should be the rule, and gratuitous instruction, the exception." Observe, these recommendations in favour of pay-schools are given, not to save public money, but because the principle of pay-schools is preferred to that of gratuitous education. Now, is it not prudent to inquire, before you affirm the principle that a portion of Church revenue should be applied, should be limited also to a given object—What is the amount which that object will require? I complain that you can form no sort of estimate on that subject. You are in utter ignorance respecting it. You don't know the amount of the surplus; you don't know the extent of the demands on it. I charge you with the absurdity of coming to a resolution, without the shadow of a ground on which to form anything like a rational opinion. The noble Lord says, there is a revenue of 791,000*l.*; I say you have not above 450,000*l.*, and if you apply the surplus on which the noble Lord calculates, to the object to which he expressly confines it, you run great risk of defeating that object. Do I ask that you should abandon any principle? No; but that you should take time carefully to mature your opinion, and thereby prevent unreasonable expectations from being entertained, and pledges from being prematurely and unwisely given. If you will sanction that principle, to which I will not consent—the application of Church revenues to other than Ecclesiastical purposes—let it be sanctioned with due deliberation. Do not defeat your own public object, for the mere purpose of pressing a Motion which you think may be inconvenient to Government. The noble Lord (Lord John Russell) proposes, if this proposition is acceded to, to move a certain Resolution in the Committee. The noble Lord is not very clear as to the principle by which he is himself guided. On Friday he announced the Resolution to this effect:—"That the House should resolve itself into a Committee for the purpose of considering the expediency of applying any sur-

plus revenue of the Church of Ireland, not required for the erection and repair of Churches, or for the maintenance of the clerical members of the Church, to the religious and moral instruction of all classes of Christians." Now, I hold that this involves the principle of providing for the endowment of the Roman Catholic clergy. ["*Hear, hear,*" and "*No, no, no.*"] Then why have you altered it? Between Friday and Monday, it was altered to this form:—"That this House resolve itself into a Committee of the whole House, in order to consider the present state of the Church Establishment in Ireland, with the view of applying any surplus of the revenues not required for the spiritual care of its members, to the general education of all classes of the people, without distinction of religious persuasion." I cannot, of course, dive into the noble Lord's mind, and ascertain the motives by which he is influenced: I speak only of his acts. Those acts, and the whole course of the debate, show that my construction is the proper one. All your speeches and arguments contribute to that construction. You may attempt as you please to film over the gulf which separates the noble Lord and some of those by whom he is supported; but you are only deceiving yourselves. The people of Ireland will read your speeches and arguments, in which the Protestant Establishment is described as a nuisance and a badge of conquest, and they will laugh at your resolution, and your frivolous attempts to limit your new principle of appropriation, by reference to the acts of Henry 8th., and declarations that education, unconnected with the Church, is an Ecclesiastical purpose. Talk of this as the settlement of the question! What have been the arguments by which the resolution was supported? Let us shortly review them:—the noble Lord, the Member for Devonshire, said, on introducing the Resolution,—"I am one of those fully concurring in the defence set up last year by one of our Prelates, that an establishment tends to promote religion, to maintain good order; and I further agree with him as to the fact that it is agreeable to the sentiments of the majority of the people of this part of the empire. But, as a friend of the United Kingdom, I call upon you to consider whether, with respect to the Church of Ireland, you can set up the same defence? Does it tend to promote

religion, or to maintain good order?" But that Church is still to be maintained in all its efficiency.—[“No, no ”]—What, is the efficiency of the Church to be impaired? I thought you affected the most pious care for its efficiency, and that you were anxious to curtail its superfluous wealth in order to promote the efficiency of the Church. The seconder of the noble Lord's Resolution (the hon. Member for St. Alban's) asks this question:—“How, then, could a Church which was not submitted to, or joined through the force of reason and argument, be considered by the people as anything but a badge of conquest, forced on them by a superior power, which it was but natural they should determine to throw off at the first favourable opportunity?” and he adds,—take the Protestant states, take Catholic ones, take America, or France, or Scotland, or even the north of Ireland itself, and it would be found, in every instance, that the remuneration which the clergy received was always proportioned to the religious services which they performed for the people. In Ireland, alone, this relation was departed from; and never, until they established that relation upon its proper footing, until they reverted in fact, to the principles of common sense, could they, succeed in governing that country with credit or satisfaction.” Yes; but if you appeal to this as a principle of common sense; if common sense requires that the remuneration of the clergy should be in proportion to religious service, without reference to the doctrines inculcated, or the faith held; and if you then move a Resolution in which a different practice is adhered to—in which you state that the Church of the minority shall be maintained—in which you recognise it as a favoured Establishment, how can you insult our common sense by saying that you regard this as a permanent settlement? The noble Lord opposite, of whose abilities I have a high opinion, and whose eminence in debate I long since prophesied, has made some observations to which I will next advert. The Lord Howick said—but I am really so unfeignedly anxious to avoid exciting any animosities connected with religion in the course of my address, that I shall not read the extract now in my hand. It is not, indeed, material to my present argument: I will pass on to another defender of the Resolution, Mr. Charles Wood. He

asks,—“Where could they find any country, under any system of Church Establishments, be they Catholic or Protestant, where a rich Church with a small congregation was maintained at the expense of an overwhelming majority belonging to a different persuasion? But their feelings were no less outraged than their property was taxed, in the maintenance of one Church established by law, and in the support of another to which ministry they contributed through inclination. What, he would ask, would be their feelings if two such establishments were supported at the expense of the people of England? Would they not be filled with a just indignation at such an unwarrantable infliction upon their consciences and resources? and could they expect that when they, with all their superior notions of what was just and lawful, were unwilling to submit to the hardship, that the ignorant peasantry of Ireland should not give way to violence and outrage when such a system was attempted to be forced upon them?” The Member for Shaftesbury (Mr. Poulter) says,—“No length of time, no lapse of ages, should prevent his hearty concurrence in an effort to redress a great national iniquity. No appeal to the rights of property, beyond existing laws, can ever be maintained where such rights were never united with the real and religious interests of a nation. In such a case no prescription can be urged against the cries of a people, and the voice of a people becomes the voice of God. It may be admitted that any change in long-established things is an evil, and that nothing can justify it but the most powerful necessity. If the peace and prosperity of Ireland be essential to the welfare of the empire, such a necessity has now arisen.” Now, then, I ask you whether, if this Resolution, supported by those arguments, can possibly lay the foundation of a final settlement? But it is most important that such a settlement should be made. You impose this charge upon the landlord. Ay, but the amount is to be recovered from a Catholic peasantry! Do not suppose that you are blinding the eyes of the people. They are more clear-sighted than you imagine. They see, and feel, and know that your arguments do not correspond with your resolution. A stronger, a truer, an honest declaration would be better. This Resolution may have the

advantage of enabling you to act together for this night; but you act on different principles, and with different views, to the furtherance of which you severally look, though you are agreeing in common to-night on a vague and general resolution. You are well aware that this can be no final settlement; that this first deduction from Church Revenues will only be accepted as an instalment of that whole amount which is held in contemplation. You have laid to my charge, in the course of debate, that I have lagged behind public opinion, and kept in the rear of improvement. But your course is still more absurd; you lag behind your own arguments, and keep far in the rear of your own conclusions. You shoot an arrow, and do not seek for it in the place where you know it is to be found. A word on the charge of being in the rear of public opinion. It is the common accusation against those who value and adhere to ancient institutions. It presumes that it is the duty of a public man to be eternally unsettling the laws and usages under which his country is governed, to be speculating what change will next be required by public opinion; not to wait till the direction and intensity of that opinion be ascertained, but to anticipate it by voluntary and uncalled-for innovation. This may sound very plausible and very philosophical; but the result will be, the entire unsettlement not only of the institutions, but of the mind of the country; the introduction of a vague, prurient love of change for the sake of change, precluding all rational and sober inquiry into the effects of such change. Surely, if an ancient principle must be abandoned, the new principle ought to be a secure one. If a new position must be taken, it ought to be capable of defence. But you take one, which not only is indefensible, but which you prove to be so,—against which your own batteries are directed with a resistless fire. I see the applauding smile of the hon. Member for Middlesex; he is too shrewd to be deluded by this Resolution; he is not to be deceived or misled by the soft tale of the hon. Gentlemen near him, who declare that, loving in their hearts the Protestant establishment, they yet support this measure. He votes for this Resolution knowing perfectly well the conclusion to which it must lead. He will soon find out, with me, that education would only

be encumbered and impeded by this contemplated grant. A good pretext will not be wanting. Then will the hon. Member once more triumphantly bring forward his Resolutions of 1824. Why should the hon. Member not force his propositions on you? I have no doubt that he will. I am now looking into the womb of futurity, and as am certain of what it will produce as I am of any thing in the history of the past. I feel as certain as that I am now standing here, that the hon. Member is too manly not to declare that he is not satisfied with this principle. He does not, in this measure, meditate a final settlement. You cannot meditate it either. I therefore will not consent to appropriate this property, which is Ecclesiastical, and connected with the Protestant establishment, to other purposes than those of that establishment. I will not assent to your Resolution, because I know how worthless and delusive it is; because I know that it is a measure which sends into Ireland, not peace, but a sword. It will excite in that unhappy country false hopes—hopes which you cannot realise, and yet hopes that you will shrink from disappointing. It will unsettle those foundations of property which are built upon prescription, and which are more secure than those on which you are erecting your new system of spoliation. I give the noble Lord fair notice that I shall oppose his Motion for going into Committee, and that, in Committee, I shall oppose his Resolution; and, lastly, that I shall oppose with all my strength the communication of that Resolution to his Majesty. I say I will oppose the communication of that Resolution to the King, and I will oppose it on these grounds:—the course is novel and unprecedented, it is unnecessary for the purposes it professes. It wears all the appearance of an intention to pass by the House of Lords. If you think that course the most advisable take it openly—take it honestly. Let us fight the battle manfully, on distinct and avowed grounds. But let us not first have a shallow, delusive Resolution, and then as shallow and delusive an appearance of passing by the House of Lords. Every one who heard the noble Lord's declaration, those, especially, who cheered it, thought the threatened Address to the King was meant as a slight upon the House of Lords—as an intimation that the assent of the Lords to the Resolution was

not worth asking for. But the noble Lord means no such thing in reality; he means, as a mere matter of preliminary form, to ask the King's consent, not to a legislative measure, but to the discussion and consideration of a subject in which certain rights of the Crown are concerned. But why is it that the noble Lord and his friends have not brought in a bill? Are they uncertain of their plan? Are they ashamed of presenting, in the ordinary course, the result of their calm, and solemn, and mature deliberation? Do they shrink from producing that detailed plan which they have so deeply and anxiously considered? Is this a course worthy of the noble Lord? The King will resign certain rights by this Bill; and it is necessary for him to signify formally, some time in the course of the proceeding, his assent, which at all times was wont to be done by the minister in a modest manner, without any parade, and without the excitement of the least interest. But now the noble Lord, without assigning any reason for a line of conduct so unprecedented and so inconvenient, insists on the immediate communication to his Majesty, and this, not for the purpose of avoiding the necessity of further measures of superseding a bill; but, simply, that a formal intimation of the King's pleasure respecting certain of his rights, affected by this Motion, may be received with all possible publicity, and that some of the supporters of the noble Lord may cherish the delusion that this course implies a slight to the House of Lords. I do not think the House will join the noble Lord in this unbecoming enterprise. I, at least, for one, will never be a party to it. But, suppose the Resolution agreed to, by whom is it to be communicated to his Majesty? I hope there will be a nice and cautious selection. Instead of encumbering the Throne by the attendance of the whole House, or of any large part of it, why should you not send a deputation? It is the prevailing fashion? Why not send a deputation of three? I will name it for you. I beg to suggest that the noble Lord, the hon. Member for Middlesex, and the hon. and learned Member for the city of Dublin, should be the three Members to approach the Throne with this resolution. Surely the noble Lord ought to thank me for the felicity, as they say, of this suggestion. Here we have the representatives of the three kingdoms—an Englishman, an Irishman, and a

Scotchman [*"hear, hear," and laughter*]; and, moreover, the representatives of the three parties which follow the noble Leader in this House. It is not for me to anticipate the answer of the Crown on the address so presented. A formal answer must necessarily be returned to any communication from this House to the Crown; but, if it were possible for his Majesty to speak the plain truth, I could suggest an answer which would be very appropriate, though, possibly, very unpalatable. His Majesty might say to the noble Lord,—*"You, last year, were one of my confidential advisers: on your advice, I issued a Commission of Inquiry, which was to collect information in Ireland. You told us that inquiry was an essential preliminary to any actual proceeding—that matters were not ripe for legislation—that you could not appropriate a surplus, without having first ascertained its existence—that pledges as to contingent appropriation were most unwise. How can you, who were a party to this advice, now ask me, in the absence of all information, the inquiry being yet incomplete, to give that pledge which, last year, you deprecated as precipitate and unwise?"* So much for the answer to the noble Lord. The Member for Dublin, Mr. O'Connell; would then present himself; and to him it might be said by his Majesty,—*"I have not forgotten the speech which I delivered from the throne, on the advice of Lord John Russell, in the year 1834. On that solemn occasion I observed, that 'I had seen with feelings of deep regret and just indignation the continuance of attempts to excite the people of Ireland to demand a repeal of the Legislative Union. This bond of our national strength and safety I have already declared my fixed and unalterable resolution, under the blessing of Divine Providence, to maintain inviolate by all the means in my power. In support of this determination, I cannot doubt the zealous and effectual co-operation of my Parliament and my people.'"* His Majesty might then remark to the learned Gentleman, that this passage, which so strenuously declares the determination to support the Union between the countries, guarantees the security of the Church; and the Protestant Church being guaranteed by the Act of Union, his Majesty would not be maintaining the Union inviolate, if he consented to violate that Protestant Established Church, which was an essen-

tial and fundamental part of it." I believe the prospect of such answers—not formal, perhaps, and according to precedent, but warranted by facts, and consistent with truth—would disincline the noble Lord to form part of the deputation which should be charged with the duty of presenting the resolution to the King.

This House has yet the power, consistently with the full adherence to its principles, to refuse to enter into this resolution. I tell you beforehand, I will not be the party to give it effect. I will not be a party to any appropriation of the revenue of the Church to other than Ecclesiastical purposes. You differ with me—I address myself to the hon. Gentlemen on the other side;—but I say that, consistently with the exercise of that different opinion, you may refuse to enter into this discussion at this time, and under these peculiar circumstances. The noble Lord has given us the opportunity of uniting in our vote, though we may differ as to the principle. If you agree with me in a desire to defer this important Question, you sacrifice nothing—you only decline asserting a general principle, without having laid before you the particular plan by which it is proposed to calculate it. For myself, I vote against the Committee on principle; but if you, differing with me on principle, vote against this motion, you may do it with a distinct reserve, that, at the proper time, you will enforce your own principle, and reject mine. You have confidence in that principle. If it be worthy of that confidence, it must be capable of execution. It can only be executed by detailed enactments, embodied into a bill. I will give every facility for this; I will, without opposition, let you bring in a bill, let it be read a first time, and postpone the discussion until after Easter. I was showing a mode by which, without any unworthy concession, you might have got rid of the difficulty under which I am convinced the majority of you must be labouring. I am suggesting that which is the natural and the ordinary course. It saves you from the risk of great eventual embarrassment. It enables you to dispense with the immediate decision on questions the most important, which you have very imperfectly considered. You will thus have an opportunity of deliberating and deciding whether your system of education in Ireland shall be gratuitous or stipendiary, or in what degree the two

principles shall be combined. You will also have the opportunity of acquiring accurate information respecting the revenues of the Irish Church; which, allow me to observe, respectfully but firmly, it is your duty to obtain before you attempt to legislate on the subject. There is a difference to the amount of 340,000*l.* annually between the noble Lord and myself. He positively asserts that the amount of Church revenue is 791,000*l.*, and I as positively declare that I believe it to be under 450,000*l.* I say, then, that it would be but justice to the Church to ascertain, beyond all possibility of dispute, which of us is correct in his calculation, or what is the extent of our respective errors. By postponing your resolutions until the Committee on the Bill, you will have the advantage of the report of the Commissioners, to which great importance is attributed by the hon. Members opposite. I ask you, then, to concur with me in relieving the noble Lord himself from the great practical difficulty in which he is placed. No man will more rejoice than the noble Lord if you will but be good enough to obey my voice and come to the rescue. He has been brought into his present unfortunate situation by the advice of indiscreet friends. He did not give notice of this motion. The hon. Member for St. Alban's stood originally the sponsor to it. The noble Lord was obliged to take it out of his hands, and yet was conscious of his own want of information. He asked, first, for the whole report of his own commission; then for a partial report; but could obtain neither, for neither was forthcoming. He courted delay; but time pressed: he was obliged to go on. He saw the expediency and the good policy of waiting for information; but he was compelled to yield to the pressure not "from without," but from behind. I am convinced that you will be conferring a favour upon the noble Lord by entreating him to withdraw his motion. I have no objection that he should withdraw it—to withdraw it until he can produce some practical plan for our consideration, some plan in which you can concur. Let us, then, unite in endeavouring to rescue the noble Lord from the situation in which he is placed, and refrain from interrupting that approaching happiness which his opponents wish him as cordially as his friends. The hon. Member for Weymouth, in the course of his speech, told you that where there

were differences of opinion there should be inquiry. Are you, then, prepared, in defiance of his authority, to proceed without inquiry? Will you not wait until you receive that information which you are led to believe will enable you to act consistently with your present views, and to act without the shadow of an imputation on your conduct? Let us not, then, enter into any hasty decision, which may preclude us from the possibility of a satisfactory final settlement.

You may insist on your present resolution—you may succeed in forcing it upon us: I shall not have to wish you joy of your triumph. It may, probably, enable you to embarrass the future progress of the administration; it may be the token of approaching victory: but still do not be too confident. Let me, in the moment of your pride, in the buoyancy of your exultations, usurp the functions of that unpalatable but not unfriendly office which, in former times, was assigned to a slave, but which may be assumed by a freeman without derogation from his character. You boast that you exercise complete control over the Executive Government of the country: but let me whisper in your ear, that, though triumphant here, the power that you exercise does not act without these walls with that intensity with which it operates within. The duty I have voluntarily assumed compels me to place before a triumphant conqueror the vanity of human wishes, and the instability of mortal triumphs, but yet I must not shrink from it; and I tell you, that, notwithstanding your vaunted majorities, you do not control public opinion. Yes, there is a public opinion, which exists independently of elective franchises, which votes cannot inspire, which majorities cannot control, but which is an essential instrument of Executive Government. It will yield obedience to law; but, if there be not confidence in the decisions of this House, law itself will lose half its authority. That public opinion will impose on you the necessity of taking a direct and open course. The people of England will not sanction attempts to throw unfair obstacles in the way of the Executive Government. They would sanction a direct vote of want of confidence, so far, at least, as to consider it a legitimate and constitutional act of hostility. Why have you not the manliness to propose it? Why do you implore me to undertake the settlement of

this Question on your principles? You are confident in your strength: let me ask you, are you competent to undertake the Government? If you are, undertake it. If you are not, why do you embarrass us? I will not enforce your resolution. I will give you notice of the course that I mean to pursue. I shall oppose your Motion for a Committee. I shall oppose your Resolution in Committee, and, above all things, and most strenuously, I shall oppose your communication of that Resolution to his Majesty. I shall adhere to the principles of my own measure. Such is the necessity for the settlement of the Tithe Question, that it will admit of no further delay. I shall press it forward; and if you signify an intention of continuous opposition,—if your determination to throw unusual impediments in the way of the Government be plainly indicated,—if I find I shall not be able to proceed with the immediate settlement of this Question,—I shall then acknowledge that the time has arrived when it will not be possible for me, consistently with my sense of the duty and the honour of a public man, to remain in the situation which I at present hold. [*The right hon. Gentleman resumed his seat amidst the loudest cheering.*]

Lord John Russell: Although I occupied the attention of the House for a considerable time, at the commencement of this debate, I feel it incumbent upon me to take some notice of the objections which have been urged against this measure, and more especially of the attacks which have been made upon my motives, and the motives of those with whom I have acted. The right hon. Gentleman who commenced the opposition to the measure, began with an attack, which has been since repeated more than once; he charged me with acting inconsistently with my former professions and declarations, in opposing the bringing forward of his Bill upon a question upon which the peace of Ireland is deeply concerned—upon a question in which the principle of the Church Establishment is really involved—and this, too, upon a motive (which he was pleased to impute to me) no better than a wish to impede and embarrass the present Government. I think, Sir, this accusation having been made, it is necessary for me—unwilling as I am to do so—to trespass upon the time of the House, in order to explain some parts of my conduct with reference to that great Ques-

tion. Sir, my right hon. Friend, the Member for Cumberland, has stated that he consented to some parts of the Church Temporalities' Act, while we were in office together, with considerable pain and reluctance. Now, I must declare, that my sentiments upon that subject were so directly the contrary, that the morning after I had heard the plan of that Act developed by my noble Friend, the late Chancellor of the Exchequer, I went to Lord Althorp, and stated to him, that such was my conviction of its insufficiency—such my persuasion that no other plan would suffice than one, by which some part of the Church property should be made conducive to the general benefit and improvement of the people of that country, that it was unfit that I should remain a Member of the Administration. That course would have been taken, but that I found Lord Althorp impressed with the same sentiments with myself, and ready to declare that if I took that course it was impossible, if he remained at all, that he could long remain in the Administration. It was upon that representation, and on a review of the peculiar difficulties which then existed in the position of the Government, in consequence of the Reform Act having just passed, and of the Reform Parliament being about to assemble,—circumstances which made it indispensable that there should be some settled Government in existence,—it was upon these grounds alone that I retracted my determination, and agreed at that time with my noble Friend not to go further than the Church Temporalities' Bill. In the course of last year, when the Tithe Bill was discussed, I declared to the House of Commons that I felt so strongly on the subject of appropriation, and that the complaint of the Members of Ireland was so just, that even at the sacrifice of a dissolution of my political connexion with those with whom I had so long acted, I was determined to sacrifice this consideration, and preferred acting according to what I thought to be my duty to my country. A little later I declared, that upon the principle of appropriation, I, for one, had made up my mind, and that I would much rather cease to be a Minister than continue a system which I thought was founded upon bigotry and prejudice. It is after these declarations, and after this conduct, which put me at variance with men for whom I had the greatest regard

and the greatest veneration, that the Paymaster of the Forces comes down and accuses me of making this a mere party question. But, Sir, it has been made an objection against me, that my bringing forward this motion is inconsistent with my opposition last year to the motion of the hon. Member for St. Alban's. Let me here repeat what I stated at the commencement of this debate—that I thought myself entitled, whatever grounds of want of confidence I may have in the Ministers, to propose to Parliament those respective measures of Reform which the Administration of Lord Melbourne would have proposed, had that noble Lord continued in office. I declare that, in my opinion, his Government, if it had remained in power, would ere this have come down with a message from the Crown, declaring that the Crown had placed at the disposal of Parliament the interest of his Majesty in the Church Temporalities in Ireland, for purposes connected with the moral and religious education of the people. But the right hon. Baronet has taken an opposite course. He states, that there are four ways open to us. He invites me to bring in a Bill at some future time, a Bill which, of course, would at some stage of its progress be committed. But to that Bill he himself has put a bar, as far as he is concerned, for he has declared that his principle is, not to consent to the alienation of Church property from strictly Ecclesiastical purposes, and that from that determination he will not swerve. But what can be fairer than the course I have adopted? The Question now before the House of Commons is, which of the two great principles—that which the right hon. Baronet advocates, or that which I support, it will adopt? Which of those two modes of governing Ireland you will judge to be the right one, whether it will be that you will preserve for ever the Ecclesiastical sinecures of Ireland; that you will maintain, as my noble Friend, the Member for Lancashire, has stated boldly, but which the right hon. Baronet opposite has not stated with nearly so much boldness, that there shall be for ever a minister with a large stipend and all the appendages of a large Church Establishment in a parish populous; indeed, but containing no Protestants—and that you will never consent that any part of the revenue of the Church in that parish shall be applied to the general education of the people?

That is, the proposition before the House, on the one hand—while the proposition on the other is that which I have ventured to submit to the House. The end and object of a religious Establishment is instruction. If you can instruct the people of Ireland in the principles of the Protestant religion, do it by all means; but if you find that you are keeping up a Church Establishment without that object being answered, and that the clergyman cannot give the people religious instruction, then let him give them moral instruction, in such a way as that the whole mass of the population, without violence to their religious feelings, may accept the benefit of it. Such are the two principles before us. But the right hon. Baronet so little thought that it was a matter for inquiry, so little did he think that it was to depend upon the report of any commission, that he had no sooner set his foot in England than he declared, that no information should induce him to consent to any diversion of the Church-property to those purposes to which I propose to apply it. Then let Parliament decide. The House of Commons is fit to decide this question. We have had four nights' debate. I say it is far better to come to a decision now, than that we should look forward to a time after Easter, when the right hon. Baronet says (though I cannot comprehend upon what principle he does it), he will be prepared to give the consent of the Crown to the introduction of a Bill by which the property of the Church is to be diverted.—[The *Chancellor of the Exchequer*: The noble Lord can introduce such a Bill himself.] I do not believe myself that it would be according to the practice of the House to bring in such a Bill without the assent of the Crown. I am quite sure it would be wrong in principle for me to introduce a Bill in which the temporalities of the Church are concerned, when a Minister of the Crown is not only not prepared to consent to it, but when he says he will finally resist it to the utmost of his power. I remember when an hon. Member wished to discuss the question of Church patronage in Scotland, it was thought necessary that there should be an Address to the Crown in the first instance. If in this case it be not necessary in point of form, it is absolutely necessary in point of sense, that this great question cannot be fairly decided unless we have the consent of the Ministers of

the Crown to the introduction of a Bill for that purpose. The right hon. Gentleman has entered upon the subject of the amount of this property, and as to what may be expected to form the surplus. The hon. Member for Newark (Mr. Gladstone) has said, that I had overstated the income, because there was a Bill now passing through Parliament, by which, in the first place, the tithes would be diminished from 550,000*l.* to little more than 400,000*l.*, and that in the next place 10 per cent would be taken from that by its conversion into land. Here is from 150,000*l.* to 180,000*l.* taken from the Church, and to whom is it to be given? Into the secular hands of the landlords. And yet, these are the gentlemen who hold Church-property to be so sacred, that they will not permit any part of it whatever to be devoted to the religious and moral education of the people. But still they have, perhaps for the sake of securing the remainder of the property, no scruple to take 180,000*l.* from the Church, to put it finally into the hands of the landlords of Ireland. I will quote an example of this: my noble Friend, the Member for Lancashire, for instance, said he had entered into an agreement with his tenant, whereby the tenant was to pay him 22*s.*, of which 2*s.* were to go in payment of tithes. The Chief Secretary for Ireland introduced a Bill by which only 1*s.* 6*d.* of that sum will hereafter be payable for tithes; the noble Lord said, that he had no objection to the 6*d.* being given to the purposes of education, but that, as to the remaining 1*s.* 6*d.*, that should be so sacred, that nothing on earth should ever touch it. What can be the difference between that and the present proposition? Originally the 2*s.* was one sum, and to be paid to one person—the clergyman—and now it is split into two; the 6*d.* is to be diverted to secular purposes, to education, or to a hundred other purposes, and the remaining 1*s.* 6*d.* is to be inviolable Church-property. The right hon. Baronet opposite appears disposed in certain cases to appropriate sums now payable in parishes where there is really no service performed, and which may therefore be considered a sinecure, to other religious purposes. This distribution, far from diminishing the evil, would tend to augment it.

The *Chancellor of the Exchequer*: You are speaking of sinecures in the popular

sense; I speak of sinecures in the sense in which the term is used in the Church Temporalities' Bill. Take, for instance, a prebendal stall.

Lord John Russell: What I mean is, that with respect to all those parishes in which there is not a single Protestant, or in which there is not more than one or two, there should be the same parochial superintendence still, but that no salary should be paid to the minister who really has no duties to perform: that can be of any essential benefit to the great mass of the population of that parish. Well, Sir, the right hon. Gentleman then asked me whether I meant to pull down the churches? Now, Sir, as it might be considered that there was something extremely odious in any answer I might return to this question, I really do not know under what circumstances they might be permitted to stand; but at present they may be kept up without any very great expense; and I should consider that where there is any chance of a Church being used for the performance of Divine Service, it would be extremely wrong to pull it down. My noble Friend the Member for Lancashire (Lord Stanley) says that although he will not consent to anything of this sort being done in Ireland, yet he might be induced to consent to its being done in Canada, because you have entered into treaties with Canada, and it is quite right that there should be a different Establishment in Scotland, because the Scotch established their own Church. Now when my noble Friend talks in this way, surely he does a little forget that we in this House are bound to attend to the interests of Ireland as much as to those of the people of England. We sit here owing a solemn duty to the people of Ireland; and if it can be shown that any plan of this kind will be as useful to the people of Ireland as the establishment of the Roman Catholic religion in Canada was to the people of Canada, or of the Presbyterian religion in Scotland was to the people of Scotland, I do not think we should be fairly entitled to say "We are not bound by the letters of treaties, and therefore, we will disregard your cries, and refuse to listen to your complaints." It may be said—it has been said, indeed—that the plan I propose will go to affect the Church of England. Why, certainly, if I could suppose the Church of England to be in the situation in which the Church

of Ireland now is, the plan I propose would go to affect the Established Church of this country. But what is the case in England? You have Ministers teaching a religion which the people believe; they have tithe, creating some discontent, perhaps, but collected as a debt, acknowledged by the law throughout the country. We have, in short, an Establishment in accordance with the feelings of the people, which is carried on with their consent, and for the general benefit of the whole community. Why, Sir, this argument was used many years ago, when the right hon. the Secretary of State for the Home Department brought in a Bill with respect to tithes, and, so strongly was the argument urged that the right hon. Gentleman was obliged to protest against the inference, that because this measure with respect to Ireland was acquiesced in, a similar measure was necessary for England. The circumstances of these two parts of the United Kingdom were widely different. They stood in this respect only in contrast, not as parallel cases. The real question at issue is that which the right hon. Gentleman stated at the commencement of his speech, from which I think he was afterwards a little diverted. He stated at the commencement of his address, that this kind of property in tithe not having been in due and regular course of collection for nearly four years, the question before the House was, what system they would propose in order to insure the Church a right to that property—what disposition they would make of that property? I say that I think this is the real question: and I do think that while if you adopt the plan of the right hon. Gentleman opposite, you will never arrive at the final settlement of that question, the plan I propose does put you in the way of attaining it. When I say, that I do not think the plan of the right hon. Gentleman will produce a lasting settlement of the Question, it is because I have always conceived, as an advocate of the Reform Bill, that gross and notorious abuses, which could not be reconciled with reason, which were adverse to the interests and repugnant to the feelings of any portion of the united empire, could not withstand the scrutiny and examination of a Reformed Parliament. And, Sir, I am so convinced of this, that I am morally certain that if by any chance or accident the right hon. Gentleman, instead

of having been left in continual minorities since the commencement of this Parliament, had been, on the contrary, in possession of a large majority, and could have counted a majority of more than 100 on this very night, the real strength of this Question is such, that it would be brought forward year after year, and neither the right hon. Gentleman nor any other Minister would finally be able to maintain resident ministers and appurtenances of the Church in those districts and places where every reason which justifies the establishment of a Church is wanting. I am also convinced, that if you do adopt the other system—that if you do apply a part of these revenues to the education of the people, you will then show the people of Ireland that this is not an income to be collected from them for an Establishment in which they can take no interest—that you do really wish to attend to their condition and relieve their distress—and that in making the law beneficent, you will do much to make it effectual. With these opinions then I can ask the House to pursue no other course than to go into a Committee—into a Committee to consider this Question. It may afterwards be matter of debate whether it would be proper to send the Resolution in an address to the Crown, or whether any other course would be more proper. It seems to me certainly, as I stated at the commencement of the debate, that looking to the natural course of a measure of this kind, an address to the Crown, would be the most expedient mode of proceeding. I am quite sure that it would not be right to introduce any Bill without the full consent of the Crown. I feel quite sure that a measure of this kind must proceed from the Government. I am quite convinced that if the right hon. Baronet opposite chose to undertake it—that if he chose to abandon that principle which he has assumed, and which he has this night maintained, great advantages would be derived from the Members he would be enabled to bring to his support. But while I do not bring forward this principle and this resolution to distress and embarrass the Government, I am quite convinced that the principle itself is of so much importance—that it contains so much within itself that concerns future peace and future good Government in Ireland—that I would not delay its assertion and its proposition for one instant, even

if I were told that the effect of my urging it forward might be to destroy or relax any Ministry which might exist, or retard any measures which they might contemplate for the public welfare. I have already said that it is a principle which I was prepared to maintain against my noble Friend, much as I regretted differing from him—and differing from him as I did on this Question alone of all the subjects of discussion that arose during a long period of official intercourse. Having once undergone the pain of this division and this separation, however, it is not for the sake of keeping in office a Ministry of so little strength, of so little comparative or so little inherent power as the present Ministry—that I would consent for one moment to forego this Resolution. The hon. and learned Gentleman, the Solicitor-General, who misrepresented me—I have no doubt most unintentionally—proposes to bring in aid of the present Ministry a sort of religious cry in favour of the Protestant religion in Ireland. I fear that the time is not yet come—though I do hope it will ere long arrive—when each party may profess its own creed free from the contest and animosities which have for some time most unhappily prevailed, and which I fear the course pursued by the hon. and learned Gentleman is not calculated to remove. I remember, Sir, a Solicitor-General who, in this House opposed Catholic Emancipation—who became Attorney-General—who became Master of the Rolls—and who delivered an eloquent speech, in which he brought before our eyes all the horrors of the reign of Queen Mary, and all the atrocities which were committed under the name of Papist or Roman Catholic. I do remember, too, that after that opposition had continued a little while longer, that same learned person took a directly opposite course. I remember perfectly to have heard him quote an Act of King William with the view of observing that Catholics were admissible to office and Parliament. A noble Lord, I recollect, exclaimed in some astonishment, “Why you said the very reverse of this last year.” “Yes,” replied the hon. Gentleman, “yes; but since that time I have been prosecuting my studies.” I really entertain considerable hope, Sir, that the present Solicitor-General, profiting by the admirable example of his predecessor, will prosecute his studies; and I do not despair to hear

him one day quoting the Act of Henry 8th, and the reports of the Commission in order to maintain the position of my right hon. Friend the Member for Cambridge, that Ecclesiastical purposes properly include the religious and moral education of the people. I go with confidence, therefore, to the decision of the House upon this question. I should, indeed, be weak, if—having been a member of a Ministry which would have proposed a Bill to Parliament upon this subject early in the Session, and which was prepared to hasten the labours of the Commission as much as possible—I were now to consent to wait until the end of May or the beginning of June, and then introduce some Bill or other upon the subject. And what would be the consequence? Why, when I had taken considerable pains in framing a Bill—when the right hon. Baronet had got his Supplies, and obtained all he wanted, he would have told me some day, on the third reading, or perhaps when it first went up to the House of Lords, that all my time and all my labour were lost, for it was the intention of his Majesty next day to prorogue the Parliament. Sir, I will not be so deceived; I say that before we come to a decision upon the Tithe Bill, it is absolutely and imperatively necessary that we should know whether the principle of appropriation will be sanctioned. I confess that for my own part I am not disposed to vote for any Tithe Bill in which the principle of appropriation is not recognised. I am not prepared to support any Government which, in default of a Tithe Bill of this nature, shall continue to use military force in the collection of tithe in Ireland. And I am persuaded notwithstanding the taunts of my noble Friend the Member for Lancashire, and the right hon. Gentleman the Chancellor of the Exchequer, that the appropriating a part of the revenues of the Church to the establishment of a system of education under which Protestant and Catholic can receive instruction together—under which they may be taught many at least of the great lessons of Christianity in common, and be left to learn their own peculiar creed from their own peculiar Ministers, on other days and at other hours—is a plan which will contribute, and I think contribute in no small degree to blend in one bond of harmony and union the members of both religious persuasions, to the extinction of those differences and disunions which have

promoted nothing but ill-will—which have engendered nothing but discontent. I have only one word to add with reference to the Amendment of my hon. Friend the Member for Weymouth (Mr. F. Buxton). With reference to the substitution of the words “general” education for the words “moral and religious,” I beg to inform him and the House, that my only reason for making the alteration was, that I thought the Resolution, as it originally stood, might be misinterpreted to mean what I really did not intend it to mean—education in the principles of the Roman Catholic religion. For my own part, if the present wording of the Resolution be objected to, I shall be ready to support the Amendment of my hon. Friend. With respect to the last point to which he called my attention,—I think, without saying how it is to be provided for—that it is quite right and proper, in case the number of Protestants of the Established Church should increase in any particular districts, that Churches should be restored, Clergymen provided, and every provision made for the performance of divine worship in those parishes.

The House divided on the Motion: Ayes 322—Noes 289—Majority 33.

The House went into a Committee. The Resolution was agreed to, and ordered to be reported.

The House resumed; Mr. Bernal brought up the Report.

On the Motion that it be taken into further consideration on the following day,

The *Chancellor of the Exchequer* said, as we have already had four days’ debate on this subject, I would suggest to the noble Lord the propriety of not proceeding with the Report until Monday. [“No, no!”] I am aware that I have been in the minority on the first Motion, and I merely suggest what I now do for the convenience of the House, as it is possible that some Gentlemen who have not yet delivered their sentiments on the subject will be anxious to do so. I cannot but think that it would be better to postpone any further proceedings till Monday. [Loud cries of “No, no!”] I can assure the noble Lord that no obstacle will be thrown in the way of the Report by the Government proceeding with the Committee of Supply. [“No, no!”] I cannot help thinking, that after the debate has lasted four days, that it would be better to postpone the matter, as the attention of

the House would probably be wearied to-morrow.

Lord *John Russell*: After our deliberations have formerly lasted so long on a subject, nearly similar in its nature to the present Question there is, I think good reason for proceeding without delay, to-morrow. I do not, after the length of the present debate, anticipate that it will be protracted to-morrow.

Mr. *Finch* begged to disabuse the noble Lord as to there being little or no debate on the further proceedings on this subject, as he (Mr. Finch) could assure him that many Gentlemen were anxious, and even determined, to state their opinions on the subject, who had been prevented from doing so on this and former nights by the Friends of the noble Lord. They had already had four nights' debate on this subject; and he did not doubt that if it did not last so long, the debate would at least last three nights more.

Lord *Ebrington* said, that what had been stated by the hon. Gentleman appeared to him to afford an additional reason for immediately proceeding with the subject; for he had thought that the Question, if not finally settled, was considered virtually so; at least he considered it so, and therefore he was surprised that hon. Gentlemen were anxious to express their opinions on the subject. At any rate he thought it highly important for the sake of all interests—for the advantage of all parties concerned—that the Question should be brought to a final settlement as soon as possible. He trusted, therefore, that his noble Friend would persist in his Motion that the further discussion should take place this day.

Mr. *Richards* had an Amendment to propose. ["*Oh, oh!*"] He had been taunted by the opposite party on this paltry Resolution. He should divide the House as to the postponement of the debate till Monday.

Mr. *Hume* had not understood the right hon. Baronet to request the postponement of the Question that he might give further consideration to it. He would put it to him, therefore, whether, after four nights' debate, it was not better to go on with it.

The *Chancellor of the Exchequer* said—I wish to observe that I did not propose delay as a Minister; but I suggested it to the noble Lord as a matter of convenience. In other respects it is a matter of perfect indifference to me whether we proceed to-

morrow or Monday. I am sure, however, that it would be more for the general convenience to commence the debate on Monday, and, if necessary to adjourn the subject, than to proceed after this late hour, and with our attention wearied with the subject to-morrow. The proposition does not appear to me to be unreasonable, and I do not see any possible reason why it should be opposed. I would appeal to any one whether there would not be more attention to the subject on Monday ["*No, no,*" and *cheers.*"]

Lord *John Russell* said—I cannot help feeling we should proceed with the subject as soon as we can.

The Motion that the Report be reconsidered on the following day was agreed to.

The following is the list of the AYES on the above Division.

Acheson, Viscount	Browne, Dominick
Adam, Admiral	Buckingham, J. S.
Aglionby H. A.	Buller, E.
Ainsworth, P.	Buller, Charles
Alston, Rowland	Bulwer, H. L.
Angerstein, J.	Bulwer, E. G. E. L.
Anson, Sir George	Burdon, W. W.
Astley, Sir J.	Burton, H.
Attwood, T.	Butler, Hon. Pierce
Bagshaw, John	Buxton, T. F.
Bainbridge, E. T.	Byng, G.
Baines, Edward	Byng, Sir J.
Bannerman, Alex.	Campbell, Sir J.
Barclay, D.	Campbell, W. F.
Barham, J.	Carter, B.
Baring, Francis T.	Cave, Otway
Barnard, E. G.	Cavendish, Hon. C.
Barron, Henry W.	Cavendish, Hon. G. H.
Barry, G. S.	Cayley, E. S.
Beauchlerk, Major	Chalmers, P.
Beaumont, T. W.	Chapman, M. L.
Belfast, Lord	Chichester, J. P. B.
Bellew, R. M.	Clay, W.
Bellew, Sir P.	Clayton, Sir W.
Berkeley, Hon. C.	Clements, Lord
Berkeley, Hon. G. C.	Clive, E. B.
Berkeley, Captain	Cobbett, W.
Bernal, R.	Cockerell, Sir C.
Bewes, T.	Codrington, Sir E.
Biddulph, R.	Colborne, N. W. R.
Bish, T.	Collier, John
Blake, M. J.	Conyngnam, Lord A.
Blamire, W.	Cookes, T. H.
Blunt, Sir Charles R.	Copeland, W. T.
Bodkin, John James	Cowper, Hon. W. F.
Bowes, J.	Crawford, W.
Bowring, Dr.	Crawford, W. S.
Brabazon, Sir W. J.	Crawley, S.
Brady, Dennis C.	Crompton, S.
Bridgeman, H.	Curteis, Herbert B.
Brocklehurst, J.	Curteis, Edward B.
Brodie, W.	Dalmeny, Lord
Brotherton, J.	De Beauvoir, Sir J. E.

Denison, J. E.	Howard, R.	Pattison, J.	Stanley, Hon. H. T.
Denison, W. J.	Howard, P. H.	Pease, J.	Steuart, R.
Dennistoun, A.	Howick, Lord	Pechell, Captain	Stewart, P. M.
Divett, E.	Hume, J.	Pelham, Hon. C. A. W.	Strickland, Sir G.
Dobbin, L.	Hurst, R. H.	Pendarves, E. W.	Strutt, E.
Donkin, Sir R. S.	Hutt, W.	Perrin, Sergeant	Stuart, Lord D.
Duncombe, T. S.	Kemp, T. R.	Philips, G. R.	Stuart, Lord J.
Dundas, Hon. T.	Kennedy, J.	Philips, M.	Sullivan, R.
Dunlop, Colin	Kerry, Earl of	Phillips, C. M.	Surrey, Earl of
Dykes, F. L. B.	King, E. B.	Pinney, W.	Talbot, J. H.
Ebrington, Lord	Labouchere, H.	Ponsonby, J. G. B.	Talfourd, T. N.
Ellice, E.	Lambton, H.	Potter, R.	Tancred, H. W.
Elphinstone, Howard	Langton, W. G.	Poulter, J. S.	Tennyson, Rt. Hon. C.
Etwall, R.	Leader, J. T.	Power, J.	Thomson, Rt. Hon. P.
Euston, Lord	Lee, J. L.	Power, P.	Thornely, T.
Evans, George	Lefevre, C. S.	Price, Sir R.	Tooke, W.
Evans, Colonel	Lennard, T. B.	Pryme, G.	Tracey, C. H.
Ewart, W.	Lister, E. C.	Pryse, Pryse	Trelawney, Sir W. L. S.
Fazakerley, J. N.	Littleton, Rt. Hon. E. J.	Ramsbottom, J.	Troubridge, Sir T.
Fellowes, Hon. N.	Loch, J.	Ramsden, J. C.	Tulk, C. A.
Fergus, John	Long, W.	Rice, Rt. Hon. T. S.	Tynte, C. J. K.
Ferguson, Sir R.	Lushington, Dr.	Rippon, C.	Tynte, C. K. K.
Ferguson, R.	Lushington, C.	Robarts, A. W.	Villiers, C. P.
Fergusson, C.	Lynch, A. H.	Robinson, G. R.	Vivian, C. C.
French, F.	Mackenzie, J. A. S.	Roche, W.	Vivian, J. H.
Fielden, J.	Macleod, R.	Roche, D.	Wakley, T.
Finn, W. F.	Macnamara, Major	Roebuck, J. A.	Walker, C. A.
Fitzgibbon, R. H.	Maher, J.	Rolfe, R. M.	Walker, R.
Fitzroy, Lord C.	Mangles, J.	Ronayne, D.	Wallace, R.
Fitzsimon, C.	Marjoribanks, S.	Rooper, J. Bonfoy	Warburton, H.
Fitzsimon, N.	Marshall, W.	Rundle, J.	Ward, H. G.
Folkes, Sir W. J. H. B.	Marsland, H.	Russell, Lord John	Westenra, H. R.
Fort, J.	Martin, T. B.	Russell, Lord C.	Westenra, Colonel
Fox, Lieut.-Colonel	Maule, Hon. Fox	Russell, Lord	Whalley, Sir S.
Gaskell, D.	McCance, J.	Ruthven, E. S.	White, G.
Gisborne, T.	M'Taggart, J.	Ruthven, E.	Wigney, I. N.
Gillon, W. D.	Methuen, P.	Scholefield, J.	Wilbraham, G.
Gordon, R.	Milton, Viscount	Scrope, G. P.	Wilde, Sergeant
Goring, H. D.	Molesworth, Sir W.	Seale, Colonel	Wilks, J.
Grant, Rt. Hon. C.	Moreton, Hon. A. H.	Seymour, Lord	Williams, W. A.
Grattan, H.	Morpeth, Viscount	Sharpe, General	Williams, W.
Grattan, J.	Mostyn, Hon. E. L.	Sheil, R. L.	Williams, Sir J.
Grey, Sir G.	Mullins, F. W.	Sheldon, E. R. C.	Williamson, Sir H.
Grey, Hon. C.	Murray, J. A.	Simeon, Sir R. G.	Winnington, Sir T.
Grosvenor, Lord R.	Musgrave, Sir R.	Smith, Hon. R.	Winnington, Captain
Grote, G.	Nagle, Sir R.	Smith, J. A.	Wood, Alderman
Guest, J. J.	O'Brien, C.	Smith, R. V.	Wrightson, W. B.
Gully, J.	O'Brien, W. S.	Smith, B.	Wrottesley, Sir J.
Hall, Benjamin	O'Connell, M. J.	Speirs, A. G.	Wyse, T.
Hallyburton, D. G.	O'Connell, D.	Speirs, A.	
Handley, H.	O'Connell, J.		
Harland, W. C.	O'Connell, Morgan		
Harvey, D. W.	O'Connell, Maurice		
Hawes, B.	O'Connor, Feargus		
Hawkins, J. H.	O'Connor, Don.		
Hay, Colonel, L.	O'Dwyer, C.		
Heathcoat, J.	O'Ferrall, R. M.		
Heathcote, R. G.	Oliphant, L.		
Hector, C.	O'Loghlen, Sergeant		
Heneage, E.	Ord, W. H.		
Heron, Sir R.	Ord, W.		
Hindley, C.	Oswald, R. A.		
Hodges, T. L.	Oswald, J.		
Hodges, T.	Paget, F.		
Holland, Edward	Palmer, General		
Hoskins, K.	Parnell, Sir H.		
Howard, E. G. G.	Parrott, J.		

List of the NOES.

Agnew, Sir A.	Baring, T.
Alford, Viscount	Baring, H. B.
Alsager, Richard	Barneby, John
Arbuthnot, Hon. H.	Bateson, Sir R.
Archdall, M.	Beckett, Sir J.
Ashley, Lord	Bell, Matthew
Attwood, M.	Benett, J.
Bagot, Hon. W.	Bentinck, Lord G.
Bailey, J.	Beresford, Sir J. P.
Baillie, H. D.	Bethell, R.
Balfour, J.	Blackburne, J. J.
Barclay, C.	Boldero, H. G.
Baring, F.	Bolling, W.
Baring, W. B.	Bonham, F. R.
Baring, Rt. Hon. A.	Borthwick, Peter

Bradshaw, J.
 Bramston, T. W.
 Brownrigg, J. S.
 Bruce, Lord E. A.
 Bruce, C. L. C.
 Brudenell, Lord
 Bruen, Colonel
 Bruen, F.
 Buller, Sir J. B. Y.
 Burrell, Sir C. M.
 Calcraft, J. H.
 Campbell, Sir H. P.
 Canning, Sir S.
 Carruthers, D.
 Castlereagh, Viscount
 Chandos, Marquis of
 Chaplin, T.
 Chapman, A.
 Charlton, E. L.
 Chatterton, Colonel
 Chetwynd, W. F.
 Chichester, A.
 Churchill, Lord C. S.
 Clive, Viscount
 Clive, Hon. R. H.
 Codrington, C. W.
 Cole, Hon. A. H.
 Cole, Viscount
 Compton, H. C.
 Conolly, E. M.
 Cooper, Hon. H. A.
 Cooper, E. J.
 Coote, Sir C. C.
 Corbett, T. G.
 Corry, Hon. H. L.
 Crewe, Sir G.
 Cripps, J.
 Dalbiac, Sir C.
 Damer, G. L.
 Dare, R. W. H.
 Darlington, Earl of
 Davenport, J.
 Dick, Quintin
 Dottin, A. R.
 Dowdeswell, W.
 Duffield, T.
 Dugdale, D. S.
 Duncombe, Hon. W.
 Duncombe, Hon. A.
 Dundas, R. A.
 Durham, Sir P. C. H.
 East, J. B.
 Eastnor, Viscount
 Eaton, R. J.
 Egerton, W. T.
 Egerton, Sir P. de M.
 Egerton, Lord F.
 Entwistle, J.
 Estcourt, T. G. B.
 Fancourt, C. St. John
 Fector, J. M.
 Feilden, W.
 Ferguson, G.
 Ferguson, Sir R. A.
 Finch, G.
 Fleetwood, P. H.
 Fleming, J.

Foley, E. T.
 Follett, Sir W. W.
 Forbes, Lord
 Forbes, W.
 Forster, C. S.
 Forester, Hon. G. C. W.
 Freshfield, J. W.
 Gaskell, J. Milnes
 Geary, Sir W. R. P.
 Gladstone, T.
 Gladstone, W. E.
 Glynne, Sir S. R.
 Goodricke, H.
 Gordon, W.
 Gore, W. O.
 Goulburn, Rt. Hon. H.
 Graham, Sir J. R. G.
 Grant, Colonel
 Greene, T.
 Greisley, Sir R.
 Greville, Sir C. J.
 Grimston, Hon. E. H.
 Grimston, Viscount
 Halford, H.
 Halse, J.
 Hamilton, Lord C.
 Hanmer, Sir J.
 Hanmer, H.
 Harcourt, G. G.
 Hardinge, Sir H.
 Hardy, J.
 Hawkes, T.
 Hay, Sir J.
 Hayes, Sir E. S.
 Henniker, Lord
 Herbert, Hon. S.
 Herries, Rt. Hon. J. C.
 Hill, Sir R.
 Hill, Lord Arthur
 Hogg, J. W.
 Hope, Hon. J.
 Hope, H. T.
 Hotham, Lord
 Houldsworth, T.
 Hoy, J. B.
 Hughes, Hughes
 Inglis, Sir R. H.
 Irton, S.
 Jackson, J. D.
 Jermy, Earl of
 Johnstone, Sir J.
 Johnstone, J. J. H.
 Jones, T.
 Jones, W.
 Kelly, F.
 Kerr, David
 Kerrison, Sir E.
 Kirk, Peter
 Knatchbull, Sir E.
 Lawson, A.
 Lefroy, T.
 Lefroy, A.
 Lemon, Sir C.
 Lennox, Lord A.
 Lennox, Lord J. G.
 Lewis, David
 Lewis, W.

Leycester, J.
 Lincoln, Earl of
 Lopez, Sir R.
 Lowther, Lord
 Lowther, Hon. H. C.
 Lowther, J.
 Lucas, E.
 Lygon, Colonel H. B.
 Law, Hon. C.
 Lushington, C.
 Mackinnon, W. A.
 Maclean, Donald
 Mahon, Viscount
 Mandeville, Viscount
 Manners, Lord R.
 Marsland, T.
 Martin, J.
 Mathew, Captain
 Maxwell, H.
 Meynell, H.
 Miles, W.
 Miles, P. J.
 Miller, W. H.
 Mordaunt, Sir J.
 Morgan, C. M. R.
 Mosley, Sir O.
 Neeld, Joseph
 Neeld, J.
 Nicholl, John
 Norreys, Lord
 North, F.
 O'Neill, General
 Ossulston, Viscount
 Owen, Sir J.
 Palmer, R.
 Parry, Colonel
 Patten, J. W.
 Peel, Colonel
 Peel, Rt. Hon. Sir R.
 Peel, Rt. Hon. W. Y.
 Peel, Edmund
 Pelham, J. C.
 Pemberton, T.
 Penruddock, J. H.
 Perceval, Colonel
 Pigot, R.
 Plumtre, J. P.
 Polhill, F.
 Pollen, Sir J.
 Pollington, Viscount
 Pollock, Sir F.
 Powell, Colonel
 Poyntz, W. S.
 Praed, J. B.
 Praed, W. M.
 Price, S. G.
 Price, R.
 Pringle, A.
 Pusey, P.
 Rae, Sir W.
 Reid, Sir J. Rae
 Richards, J.
 Rickford, W.

Ridley, Sir M. W.
 Ross, C.
 Rushbrook, R.
 Russell, C.
 Ryle, J.
 Sandon, Viscount
 Sanderson, R.
 Scarlett, Hon. R. C.
 Scott, Sir E. D.
 Scott, Lord J.
 Scourfield, W. H.
 Shaw, Rt. Hon. F.
 Sheppard, T.
 Sibthorp, Colonel
 Sinclair, G.
 Smith, T. A.
 Smith, A.
 Smyth, Sir G. H.
 Somerset, Lord G.
 Somerset, Lord E.
 Spry, S.
 Stanley, Lord
 Stanley, E.
 Stewart, Sir M. S.
 Stewart, J.
 Stormont, Viscount
 Sturt, H. C.
 Tennant, J. E.
 Thomas, Colonel
 Thompson, P. B.
 Thompson, W.
 Townley, R. G.
 Townsendl, Lord J.
 Trench, Sir Fred.
 Trevor, Hon. G. R.
 Trevor, Hon. Arthur
 Turner, T. F.
 Twiss, H.
 Tyrell, Sir J. T.
 Vere, Sir C. B.
 Verner, Colonel
 Vernon, G. H.
 Vesey, Hon. Thomas
 Vivian, J. E.
 Vyvyan, Sir R. R.
 Wall, C. B.
 Walpole, Lord
 Welby, G. E.
 Weyland, Richard
 Whitmore, T. C.
 Wilbraham, Hon. R.
 Williams, T. P.
 Williams, Robert
 Wodehouse, Hon. E.
 Wood, Thomas
 Worcester, Marquis of
 Wyndham, Wadham
 Wynn, Sir W. W.
 Wynn, Rt. Hon. C. W.
 Yorke, E. T.
 Young, Sir W. L.
 Young, John

TELLERS.

For
 Wood, Charles
 Stanley, E. J.

Against
 Fremantle, Sir T.
 Clerk, Sir George

PAIRED OFF.

For	Against
Andover, Lord	Bulkeley, Sir R.
Burdett, Sir Francis	Goulburn, Sergeant
Dundas, Hon. J.	Kavanagh, T.
Edwards, J.	Locke, Wadham
Hobhouse, Sir John	Noel, Sir G.
Humphery, John	Owen, H. O.
Parker, J.	Talmash, Hon. A.
Talbot, C. R. M.	Vaughan, Sir R.
Wemyss, J.	Wortley, Hon. J. S.

HOUSE OF LORDS,

Friday, April 3, 1835.

MINUTES.] Bill. Read a third time:—Government of Agra.

Petitions presented. By Lord BEXLEY, from Bidborough and Southborough; and by the Earl of CAWDOR, from several Places,—for the Better Observance of the Sabbath —By the Duke of GORDON, the Earl of ABERDEEN, and the Earl of CAWDOR, from a Number of Places in Scotland,—for Additional Church Accommodation (Scotland).

THE CHURCH (SCOTLAND).] The Earl of Rosebery presented several petitions against the proposed grant for building churches in Scotland. The first was from Glasgow; the next from the county of Orkney. The latter also prayed for a Reform of the Church of Scotland. A third was from an island in the county of Orkney. He had also several petitions to present in favour of the Church. He was a strong supporter of the Church, but he was convinced that a majority of the people of Scotland, was opposed to the grant of public money for this purpose. This, too, was the feeling of all the Dissenters. In his opinion, the Government had acted very injudiciously in bringing forward, under present circumstances, any recommendation of this sort. He begged it to be distinctly understood, that he himself was not opposed to it, but it was clear to him, that all the Dissenters of Scotland, and many of the Churchmen of that country were opposed to the grant, and therefore it was that he called the measure injudicious.

Lord Kenyon said, that he thought the noble Lord was mistaken, when he said that all the Dissenters in Scotland were opposed to this grant. There was, he believed, one description of Dissenters who did not object to it—he meant the Episcopalians of Scotland. They were Dissenters in Scotland, but they were in favour of the grant. They were most desirous of promoting the prosperity of the Church, and they therefore did not object to anything that would assist in attaining that object. The noble Earl had said,

that the proposal of this grant was injudicious, but he must be aware of what was the origin of it. A large grant of a similar kind had been made to the English Church, and that had occasioned an expression of dissatisfaction in Scotland that none had been proposed for the Church of that country.

The Earl of Rosebery certainly had overlooked the Episcopalians, for being himself a member of the Church of England, he did not advert to the circumstance that the members of the Established Church were in Scotland Dissenters. He did not know whether they were friendly or adverse to the grant, but perhaps they ought rather to be called seceders than Dissenters. Now he was positively informed, that almost the whole body of the seceding interest was opposed to the grant.

Lord Brougham had petitions to present on the same subject. He agreed fully with the noble Earl (Rosebery) as to the objections to this grant being very general. When they were talking of Dissenters with respect to the Church of Scotland, they meant Protestant Dissenters, of all other kinds rather than Episcopalians. The Episcopalians, in fact, rather looked upon themselves as an offshoot of the English Church, than as Dissenters in Scotland. Seceders they were not, for seceders differed from the Scotch Church—not so much in matters of doctrine, as in matters of discipline—and he agreed with the noble Earl, that the seceders were almost all of them opposed to the grant. He had petitions against this grant from the Town Council of the town of Kelso; from several magistrates of a town in Perthshire, and from the Town Council of (we believe) Banff. He believed there was a great alarm among the Dissenters in Scotland, at the prospect of being called on to pay these taxes in addition to those now borne by them. Undoubtedly if there was not sufficient accommodation in the Churches, as he believed there was not in the Churches of some of the large towns of Scotland, that accommodation ought to be afforded, but the burthen of affording it ought not to be imposed on the Dissenters.

The Bishop of Exeter said, that as an English Bishop, he must, on behalf of the Episcopalians of Scotland, be allowed to correct an error into which the noble and learned Lord had fallen. The noble and learned Lord, in the most friendly disposi-

tion, had referred to them, but had described them as Dissenters which was most inadequate and considered with reference to the antiquity of their Church was (though not so intended) most unjust and even degrading. If the noble and learned Lord recalled for a moment the history of the Episcopalians of Scotland, it would tell him that he had most inadequately described that body. The Episcopalians of Scotland were not an offshoot of the Church of England—they were the remains of the ancient Church of Scotland, a church as ancient as that of either England or Ireland. He felt that he should but be disgracing himself if he sat still and allowed such an error to pass unnoticed.

Lord Brougham had not said that the Episcopalians of Scotland were an offshoot of the Church of England, but only that they looked on themselves rather in that light than in the light of Dissenters. They were the Reformed Church of Scotland, with some peculiarities, indeed, and in some respects differing from the Church of England; but they were not an offshoot of that Church, but had a fellow feeling with it, and did not consider themselves Dissenters. They had, however, many differences, great and practical differences, from the Church of which the right reverend Prelate was an illustrious member, a Bishop he meant; and one of these was the difference—that the one was a most richly endowed Church, and the other as poor a Church as any Church could be. He did not think the worse of it on that account.

NEWSPAPER STAMPS.] Lord Brougham presented a petition from the Mechanics' Institution at Norwich, praying that their Lordships would interpose to effect the Repeal of all Stamps upon Newspapers, and of the Duty on Foreign Books, which Stamps and Duties now much impeded the circulation of knowledge. He had so lately occupied their Lordships' time with remarks on this subject, that he did not now feel it necessary to add anything upon it. He should only correct a mistake into which he had accidentally fallen, as to the comparative number of the English and the American Newspapers. The Newspapers circulated in the state of New York alone were eight times the number of the papers in this country, and those in the other States were five or six

times the number. He might be permitted to add that it gave him the greatest satisfaction to find that, since the statement he had made on this subject, many individuals who had before entertained great prejudices, both of a financial nature and of another kind, as to the removal of the Stamp Duty—especially the fear of the increase of immoral publications—had, upon reading the arguments and the statement of facts he then laid before their Lordships, had their prejudices entirely removed.

APPEALS—COSTS.] The Earl of Shaftesbury rose, according to the notice he had given, to bring under their Lordships' notice a new rule, which he stated ought to be adopted, with regard to the manner of entering Judgments and ascertaining Costs on Appeals in this House. The noble Lord read the proposed order as follows:—

“*Die Veneris, Aprilis 3, 1835.*

“That in all cases in which the House shall make any order for payment of Costs by any party or parties in any Appeal or Writ of Error, without specifying the amount, the Clerk of the Parliaments, or Clerk Assistant, shall, upon the application of either party, proceed for the taxation of such Costs in such manner as is directed by an Act passed in the 7th and 8th year of the reign of his late Majesty King Geo. 4th. intitled ‘An Act to establish a Taxation of Costs on Private Bills in the House of Lords,’ and shall give a certificate thereof expressing the amount of such Costs: And it is further ordered, That the same fees shall be demanded from and paid by the party applying for such taxation, for and in respect thereof, as are now or shall be fixed by any resolution of this House concerning fees made or passed in pursuance of the said Act and in relation thereto; and the said Clerk of the Parliaments, or Clerk Assistant, may, if he think fit, either add or deduct the whole or a part of such fees at the foot of his certificate: and the amounts of money certified by him after such addition or deduction (if any) shall be the sum to be demanded and paid under, or by virtue of, such order as aforesaid for payment of Costs.”

The noble Lord moved that it be adopted and made one of the Standing Orders.

Lord Brougham said, that his noble Friend on the Woolsack and himself had judged the alteration introduced by this Order to be necessary. It would enable them at once to enter a judgment when delivered, instead of waiting till the next day, which was the old practice, and which had given rise to a mistake that

happened in the course of last Session. The new Order would be a great improvement in the regularity of their proceedings. Motion agreed to.

HOUSE OF COMMONS,

Friday, April 3, 1835.

MINUTES.] Bill. Read a second time:—Bankruptcy Estate. Petitions presented. By Mr. HANBURY TRACEY, from Tewksbury; Mr. BONHAM CARTER, from Portsmouth; Mr. CARRUTHERS, from Hull; and Mr. C. J. K. TYNTE, from Botesdale,—against the Ecclesiastical Courts' Bill. —By Mr. BONHAM CARTER, from Licensed Victuallers of Portsmouth.—By Mr. C. J. K. TYNTE, from Licensed Victuallers of Yeovil, for the Repeal of the Additional Duty on Spirit Licences.—By Dr. BOWRING, from Gretna Green, against any Grant of Money for providing Additional Church Accommodation in Scotland.—By Mr. CARRUTHERS, from Officers of East-India Marines, praying for Additional Remuneration.—By Sir HARRY VERNY, from Buckingham, complaining of Infringement on their Franchise.

IMPRISONMENT FOR DEBT.] The Sheriffs of London appeared at the Bar, and presented a Petition from the Lord Mayor, Aldermen, and Common Council, against certain parts of the Bill, for the Abolition of Imprisonment for Debt.

Mr. Alderman Wood moved that the petition be printed.

Sir John Campbell said, that this petition was undoubtedly entitled to the greatest respect and attention, coming as it did from such an enlightened quarter. He thought, however, that the objections which the objectors made to certain portions of the bill were likely to be much obviated, if not altogether removed, as certain clauses had been introduced into it by the Select Committee, which gave him great hopes that the measure would meet with the unanimous assent of the House and the country. He begged to mention, that one of those clauses was one that put the recovery of book debts upon the same footing as that of bills and bonds. Another clause was, allowing compositions to be made by debtors with their creditors without resorting to law at all, so that the money which otherwise would go to the lawyers would go to their creditors. There had been other new clauses introduced into the Bill, by which he trusted all objections to the Bill would be removed, and that the measure would pass with the unanimous assent of Parliament and the country.

Colonel Evans, referring to clause 18 of the Bill, asked if it was intended to be omitted from the Bill, as the omission of it would remove many of the objections entertained by his constituents to the measure.

Mr. Carruthers said, that if the hon. and learned Member would leave out the clause applying to book debts generally, and confine it to book debts for goods sold and delivered, a great objection to the measure would be removed.

Mr. Haves said, that the clause to which the hon. Member alluded might still be altered. The measure would be a most valuable one, adding not only to the security of trade, but to the preservation of morality. He had also been intrusted with a petition against the Bill from a body of merchants who had met in the city of London, and after considering the measure clause by clause, they had written to him to say that they would suspend their opinion of the Bill until it had come out of the Committee. He had other petitions, not against the principle, but some of the details of the Bill; the petitioners stating that if it would give the same security to book-debts that it proposed to give to other debts, it would be a most valuable amendment.

Sir John Campbell said, that the clause to which the gallant Member for Westminster had referred was a most important one. It threw on the creditor who swore that a debtor was about to abscond, and who thereupon applied to have him arrested, the burden of proving that fact. That was a most important clause, and he would not consent to withdraw it from the Bill. If it were omitted, every debtor would be at the mercy of any creditor that might choose to arrest him.

The petition to be printed.

CHURCH OF SCOTLAND.] Mr. Gillon presented a petition from the inhabitants of the parish of Ayton, in Berwickshire, against the proposed additional endowment of Churches and Clergymen of the Established Church of Scotland. This petition had been signed not by Dissenters only but by many of the Churchmen themselves. It had been agreed to, also, at a public meeting called for the purpose of considering the question, not like the petitions in favour of the endowment, which had been carried about from door to door by the Clergymen themselves and their Elders. The manner in which these petitions had obtained signatures was little creditable to the promoters of them. All sorts of devices had been resorted to; the names of children, of very tender years, had been affixed, and of women who could not write their own names. Persons had been told that they

were signing petitions for the spread of the Gospel and of education, and even that, without this, they could not expect to be freed from the Corn-laws, or to feel the benefits of a system of free trade. This was the sort of deception employed. These petitions originated from a circular issued by certain members of the General Assembly in which the grossest misstatements were embodied as to the amount of Church accommodation in Scotland. He would give but one example, in a place with which he was well acquainted. He meant the town of Hamilton. In the circular of the General Assembly the accommodation was stated thus:—

Population.	Necessary Accom.	Present do.	Deficiency.
9,513	4,756	800	4,200

In this statement the whole of the seats in all dissenting places of worship were kept out of view, and those in a Church lately built, in connexion with the Establishment. The real state of the case was this:—

Necessary Accom.	Actual do.	Surplus.
4,401	5,800	1,396

He could only characterize such statements as these as attempts to obtain money under false pretences; and he could not sufficiently express his astonishment, considering the quarter from which they proceeded. This was an attempt to put down the Dissenters, to whom we were indebted for keeping alive the flame of pure religion in the country, during a long period, in which the members of the Church had been sunk in a species of lethargy. They were called upon to contribute to the suppression of those Churches which they had built at their own expense, and maintained so much to the public advantage. Cases might be made out in the Highlands and islands, where there might be a want of spiritual instruction, but, if any assistance was to be given, let it be given indiscriminately to all who established a case of necessity, without reference to party or sect. The fact was, that most of the ministers of the Established Church were of the Tory party, and the present Government, knowing how unpopular they themselves were, backed the clergymen in their demands, in order to obtain in Scotland a partial support. Great meetings, however, had been held at Glasgow and Paisley, from which petitions had emanated against this grant, and a similar course was likely to be adopted all over Scotland; and he doubted not, that when the Table of the House should be loaded with these petitions, and the true

state of the Church accommodation should have been laid before them, in answer to certain returns which were about to be moved for, a case would be made out against this most unjust and unnecessary demand, such as no Government or party would be able to resist.

An. *Hon. Member* stated, from his own knowledge, that there were several parishes in the vicinity of Hamilton, without sufficient Church accommodation. In the Highlands it was well known that there were parishes twenty miles long with the Churches often placed at the extreme ends of them. It was necessary, therefore, that the poor of Scotland should be provided with Church accommodation, and this ought not to be made a political or party question.

CHURCH OF IRELAND.—PETITION.]

Sir *Richard Vyvyan* had a most important Petition to present from the City of Bristol, signed by upwards of 5,000 Inhabitants of that City, respecting a subject at present before the House, and the discussion on which stood for that evening—he meant the Irish Church. The petition was agreed to at a public meeting held in that City in the month of November last, in expectation of some such measure as that which had now been proposed by the noble Lord, the Member for Devonshire; but he (Sir Richard Vyvyan) had not received it for presentation until yesterday. It was from the Magistrates, clergy, merchants, and other inhabitants of the City of Bristol, and the petitioners expressed their deep and awful sense of the danger that would accrue to the Protestant Reformed religion in Ireland by any attacks that should be made on the Church Establishment there, and they declared their conviction, that they would be the enemies of all Government who should make or countenance such attacks. They farther stated, that they would stand by the Church of Ireland, being fully assured that if it were assailed, the Church of England would soon be assailed in the same way—he quite agreed on that point with the petitioners. He was sure of this—that if they should surrender up the Irish Church on the principle, that it was not to be kept up in Ireland in those places where no Protestants were to be found. He was sure that if they admitted that principle once in Ireland, it would sooner or later be applied to the English Church too. It was impossible on any such abstract principles to defend

the interests of the Irish Church; but in considering that subject, they must look to Questions of high political consideration which it involved—to Questions not essentially religious—to Questions connected with the House of Lords and the seats of the Bishops there—to Questions essentially connected with the connexion of Church and State, and with the King of these realms being a Protestant. It was upon such grounds that he (Sir Richard Vyvyan) had, without hesitation, voted last night against the noble Lord's Motion. It was but one of the steps in the progress of Revolution. It was only by opposing attacks made in the first instance upon the Church of Ireland, that they should show their firm resolution to oppose the inroads about to be made in the Constitution in Church and State. In submitting this petition to the House, he must beg, that as it was an important one, it should be read at length. It was the first petition that came from the people of England on this subject, and it deserved the deep attention of the House.

The Petition was read at length.

Mr. O'Dwyer said, that though the hon. Baronet had moved that the petition should be read at length, there was nothing in it that called for the attention of the House. It was filled with the grossest and most absurd misrepresentations, originating, no doubt, from a total ignorance on the part of the petitioners of the real condition and state of Ireland. He would deny that the petition should be regarded as representing the feelings of the people on this Question. It had not proceeded from a free assembly of the people. It came from a meeting, the work of two reverend incendiaries, who had come over from Ireland for the purpose in the course of last year, and one of whom, a beneficed clergyman of the Church of Ireland, left his parishioners to take care of themselves—not forgetting, of course, to provide that his tithes should in the meanwhile be duly collected. These two clergymen came over to this country for the purpose of raising the "No Popery" cry. From his own local knowledge of Ireland, he would state, that this petition was filled with the most audacious misrepresentations with regard to that country. It was clear that the Church of Ireland stood on different grounds from the Church of England, and that it was perfectly open to those who, like himself, wished to

see the Establishment in England maintained to cut down the Church of Ireland to the extent necessary for meeting the spiritual wants of the members of it.

An *Hon. Member* said, that this petition was signed by 5,000 individuals. The hon. Gentleman had said, that they had been induced to sign it through the intimidation of two reverend incendiaries. Now, he did not think that the people of England would feel very grateful at finding their petitions spoken of in those terms. The hon. Baronet had not said, that this petition represented the sentiments of the whole people of England, but that it was the first that had been presented on this momentous subject. He (the hon. Member) was quite sure that they would soon have petitions on the subject from one end of the country to the other.

Colonel *Evans* wished to know, whether the expression, "enemies of good Government," contained in the petition, was to be applied to the majority of that House? If that was the case, it would, he thought, be a question, whether the petition should be received at all. He for one would say, that he was sure this petition did not speak the sentiments of the people of England.

Mr. *Potter* said, that the Resolution carried by the noble Lord, would, in fact, be beneficial to the Church of Ireland itself.

Sir *Richard Vyvyan* said, that this petition had been agreed to at a public meeting of the inhabitants of Bristol. He (Sir Richard Vyvyan) had not been present at that meeting, but he would not allow the two reverend and respectable gentlemen who attended there, to be called incendiaries. He had no personal acquaintance with the reverend Mr. O'Sullivan, but he knew Dr. Boyton, and he was the last person who deserved to be called an incendiary, though no doubt that reverend gentleman held strong opinions. He begged to say, that this petition, emanating from the inhabitants of Bristol, depended in no degree upon the gentlemen who had attended the meeting from Ireland. It expressed the sentiments of 5,000 inhabitants of the City of Bristol, and he believed that it truly represented the feelings of the people of that City respecting the Irish and English Church. With regard to what had been said by the hon. and gallant Member for Westminster, he (Sir Richard Vyvyan) did not think that the petition contained anything dis-

respectful to the House; but, even if there was a hasty expression in it, he was sure that the hon. and gallant Member would not be the person to move its rejection on that ground.

Colonel Verner: He did not hear the expression made use of, which he was informed, applied to those two reverend gentlemen; but he could not allow any imputation to be cast upon the character of the reverend Mr. O'Sullivan, without standing up in his defence. He had the pleasure of knowing the reverend gentleman most intimately—perhaps better than any other individual in that House. He was the rector of the parish in which he resided, and from the many occasions he had had of judging of the purity of that gentleman's mind, the uprightness of his intentions, his integrity, his moral and religious worth—he (Colonel Verner) had no hesitation in pronouncing Mr. O'Sullivan to be incapable of acting in any manner derogatory to the character of a clergyman and a gentleman.

Mr. Shaw said, that he would not sit still and hear those two reverend gentlemen, with whom he was personally acquainted, called incendiaries. If there was anything in the petition disrespectful to the House, which he did not believe was the case, he would not justify it; but he must say, that it was equally unjustifiable on the part of an hon. Member in that House thus to attack two individuals who were absent, and who were most estimable men in every respect, both in public and private life, as well as distinguished by the greatest acquirements, and the most eminent talents. He was sorry to find any hon. Member thus led away to give expression to language equally unparliamentary and unwarrantable.

Petition laid on the Table.

TITHES (IRELAND.)] Sir Henry Hardinge referred to an order made on the previous day on the Motion of the hon. Member for Southwark, for certain Returns connected with the million sterling voted by Parliament to pay arrears of tithes to lay and other impropriators in Ireland. Those Returns were to be prepared in great detail, particularly by dividing the tithe-payers, in respect of whose arrears the claims were made into classes. He had hesitated to fulfil the order of the House, because on writing to Ireland he found that the expense of doing so would be

very great. If the Returns were prepared in the cheapest way, and furnishing the least information required, the cost would be 150*l.*; if in mere detail, 1,500*l.* and if to the full extent, and with all the classifications of tithe-payers, not less than 2,000*l.*, as fifty additional clerks must be employed upon them for three months. Reference must be made to 8,000 schedules, and to about 2,000,000 of names.

Mr. Harvey reminded the right hon. Gentleman, that the Returns had been modified at his express suggestion, in order that they might be less expensive. He apprehended that the House would adhere to its own order, especially when he stated, that his object in moving for the Returns was to know the parties benefitted, and to the extent to which they had been paid out of the million voted. The Chancellor of the Exchequer had stated, on a former day, that only about 700,000*l.* had been claimed, but he had spoken of it as if the whole million would ultimately be disposed of, and as if it were to be a national gift to the clergy of Ireland. He (Mr. Harvey) was therefore desirous of knowing who had received any part of the money, and what amount they had received. As to the 8,000 schedules of which the right hon. Gentleman talked, he seemed to forget that the number of claimants had only been 2,736. If the House meant that the million sterling should not be a gratuitous concession, of which no account was to be rendered, it would agree with him that the Returns were necessary.

Mr. Littleton admitted that the Returns could not be made in the details specified without incurring a heavy expense; but he thought that a personal arrangement between the hon. Mover and the right hon. Gentleman would lead to an easy mode of effectuating the object.

Sir Henry Hardinge impressed upon the House, that he had not the slightest objection to grant all the information required, excepting on the score of expense.

The subject was dropped.

SIR ROGER GREISLEY.] Lord Hotham appeared at the Bar with a Report from the Drogheda Election Committee, that it had met this morning, but had separated again in an hour, without proceeding with any business, in consequence of the unexplained absence of Sir Roger Griesley.

The Report having been brought up, and read,

Lord *Hotham* proceeded briefly to call the attention of the House to the serious inconvenience thus produced, and to the expense occasioned to the parties by delay, as the Committee could not now proceed until Tuesday. It was necessary, by the forms of the House, and by the Statute prescribing those forms, that Sir Roger Greisley should be ordered to attend in his place on Monday, or furnish through a witness upon oath, a sufficient excuse for his absence. He hoped, however, that if the hon. Baronet made his appearance before the conclusion of the present sitting, and stated the ground of his absence this morning, some mode might be found of enabling the Committee to proceed without more delay.

Sir Roger Greisley having entered the House during the speech of the noble Lord, said, that he regretted exceedingly that he had put the Drogheda Election Committee to any inconvenience by his absence, and that he had thereby incurred the displeasure of the House. He begged most humbly and sincerely to apologize for it. The truth was, that he had not been able to retire to rest until half-past four this morning, and that he had last night found the atmosphere of the House so oppressive, that he had been in a state of extreme perspiration, which had been followed by a severe shivering. This was all he had to say, and he hoped it would be enough.

The *Chancellor of the Exchequer* was aware of the evil of delay to all parties, but thought the House was bound in this, as in other cases, to avoid the greater inconvenience that might result from not strictly attending to the provisions of the express law upon the subject. He apprehended that his hon. Friend (Sir Roger Greisley) must attend at the next sitting of the House, and in the meantime the proceedings of the Drogheda Election Committee must be suspended.

The *Speaker* said, that the provisions of the Act required that the Member should attend in his place unless a sufficient excuse was made; now he did not know why, if the excuse of the medical attendant was receivable, they should not admit the excuse of the hon. Member himself, delivered by him in his place.

Mr. *Cole* stated, that he was once allowed to make an excuse at the Table of the House.

Sir Roger Greisley presented himself at

the Table of the House to take the oath, when

Mr. *Hume* said, he thought the declaration of the hon. Gentleman would be sufficient. He recollected that, on a former occasion, the oath was dispensed with, and he believed the House would be perfectly satisfied with the hon. Gentleman's simple statement of the cause of his absence.

Mr. *Cole* moved that the declaration of the hon. Gentleman be received.

The *Attorney-General* said, that the Act did not require the statement to be made on oath.

The *Chancellor of the Exchequer* was understood to suggest the propriety of not allowing excuses for absence on such occasions, to be too lightly made.

Sir Roger Greisley, having been sworn, repeated his statement, and assured the House that he should have given his attendance, but that he was much fatigued and very unwell.

The *Chancellor of the Exchequer* moved that the excuse of the hon. Member be received.

Motion agreed to.

CHURCH OF IRELAND—COMMITTEE.]

Lord John Russell moved the Order of the Day for the House resolving itself into a Committee of the whole House on the state of the Irish Church.

The *Chancellor of the Exchequer* said, nothing, Sir, should tempt me to throw any obstacle in the way of the House coming to a decision on the question before it, but the present exigencies of the public service. With respect to the Navy Estimates, it is, I assure the House, of great importance that there should be a vote. On account, also, of the near approach of the expiration of the Mutiny Act, it is important that the Bill for the renewal of that Act, should be allowed to proceed. Under these circumstances, I beg to suggest to the House the propriety of coming to an understanding that if the debate, arising from the Motion of the noble Lord, should be adjourned this night, it shall not be resumed on Monday before the House has come to a vote on the Navy Estimates, and has advanced the Mutiny Bill a stage. I feel it to be my duty to state to the House that unless this course be pursued, great inconvenience will arise to the public service.

Mr. *Hume*: Should the debate of to-

night be adjourned until Monday, what particular vote in the Navy Estimates does the right hon. Baronet propose that the House should come to?

The *Chancellor of the Exchequer*: I propose to take only those votes, the postponement of which would occasion great inconvenience to the public service. My suggestion is, that if this debate should unfortunately go over till Monday, we should be allowed at five o'clock to advance the Mutiny Act a stage, and take a vote on the Navy Estimates. After that, probably at eight or nine o'clock, this debate might be resumed. I have given the House a reason why the Mutiny Act should proceed; and my right hon. Friend will, in his statement, explain to the House the necessity that exists for certain votes in the Navy Estimates being agreed to.

Mr. *Wilks*: I beg to remind the right hon. Baronet that the Dissenters' Marriages Bill stands for a second reading on Monday night. Will the right hon. Baronet have the goodness to inform the House whether he proposes that that Motion shall be brought on?

The *Chancellor of the Exchequer*: The arrangement I have suggested, is only in the event of the debate of this evening being adjourned; but should it not, the advancement of the Mutiny Act a stage, and the coming to a vote of the Navy Estimates, will not, I suppose, occupy any great length of time; and in that case, at about eight or nine o'clock, I should have no objection to discuss the second reading of the Dissenters' Marriages Bill. But, of course, I leave that to be determined by the House.

It was understood that this arrangement was acquiesced in.

The Order of the Day was read, and the House resolved itself into Committee.

Lord John Russell moved, "That it is the opinion of this Committee that any surplus which may remain, after fully providing for the spiritual instruction of the members of the Established Church in Ireland, ought to be applied locally to the general education of all classes of Christians."

Mr. *Finch* said, looking at the Irish Church as it at present existed, he certainly considered that the proceedings now adopted were neither decent nor respectable, in reference to that venerable institution. It had been said, that bringing forward the Tithe Bill, occasioned the

necessity for the line of conduct adopted by the noble Lord, the Member for Devonshire; in his opinion, it ought to have induced the noble Lord to take a totally opposite course. The object of this Resolution was evidently to provide an endowment for the Catholic clergy in Ireland, although that had not been expressly asserted in the debate, with the view, forsooth, of conciliating them towards the Protestant Establishment. Such a proposition, however, originated in total ignorance of the real position, character, and policy, of the Catholic priesthood. They never could be conciliated by any payment from the State. It had been argued in the course of the discussion, that it was most unjust to force on the people of Ireland a Protestant Church Establishment, which was inconsistent with the views, and opposed to the wishes of the great majority of the population. He denied the justice of that argument. The Church in Ireland was supported by her own property, and all that the Establishment did was, to hold out the hand of fellowship to the Roman Catholics, and invite them to participate in the spiritual advantage which it conferred. He was ready to admit that Ireland had long been misgoverned, but it was the bounden duty of the English Legislature to bestow on the population of that country what they duly and conscientiously considered the greatest blessing that could be conferred by any State—good Government, but not dissociated from good religion. The position was a most untenable one, that the Protestant Church not having greatly increased in numbers, its revenues should therefore be diminished. The fact was, that till within the last twenty-five years, Protestantism had never got a fair trial, and now that persecution, and other unfavourable circumstances, had disappeared, numbers of Catholics were yearly acceding to its faith. He knew an instance where a clergyman, now in London, and who was ready to attest the fact at the Bar of that House, had, in one district in Ireland, admitted not fewer than 100 Catholics during the course of one year, into the Protestant communion, and Dr. Murray, the Dean of Armagh, had succeeded in converting an equal number in the same period, one of whom having made a public recantation of his former creed, had his house pulled down. The hon. Member then adverted to the fact, that the present

measure was intended for the purpose of conciliation, and alluded to the denunciations which the hon. and learned Member for Dublin had directed against Earl Grey and his colleagues, notwithstanding all their attempts at conciliation, because they had not adopted his extravagant and selfish notions. He could not but think that that hon. and learned Member had, in giving the Opposition the benefit of thirty-three of a majority last night, made a bargain with them to serve his own selfish views. With respect to this Resolution in itself, it was altogether unworthy of the character of a Statesman, and the infallible result of it would be to light up the torch of discord and civil commotion throughout Ireland, and to unsettle all property, both corporate, civil, and ecclesiastical, in this country. Frequent reference had been made to the length of time during which the possession of tithes by the present owners was said not to exist, and some hon. Members had gone as far back as the year 1200. That, surely, was not the fair mode of arguing such a question. What would any one say to being called on to justify, explain, and prove his title to property extending the investigation through a period of 600 years? What security could any man have for his property, if such a practice were to obtain? But it was not by prescription, nor by Act of Parliament alone, that the property of the Protestant Church was secured, but by solemn treaty. But if Acts of Parliament were required, he would refer to the Act of Union, passed by a Protestant Parliament. At the time of the Union, and at the period of the passing of Roman Catholic Emancipation, guarantees were given of the inviolability of Church-property, and it must be considered as still further secured by the Coronation Oath. When he considered the object of the institution of the Established Church—when he reflected upon the sacredness of its character, he felt that there could be no strength, no stability for any species of property, if the Church were to be robbed. Let them look at the title of the fundholder—it was of only thirty or forty years' standing; in every point of view, then, he could not but deprecate the whole project of the noble Lord as dangerous in the last degree. The revenues of the Church with respect to their amount and distribution had been, as hon. Members must remember, made the subject of

much and severe reflection; they were talked of as the bloated revenues of the Church, as if the Members of that House were ignorant of the circumstances under which the Church in Ireland was placed. He happened that day to look into the miscellaneous estimates, and he saw the salary of a messenger set down at 400*l.*, and other officers and servants of the public upon an equally munificent scale. The overseer of convicts at the hulks had a salary of 327*l.* a-year, and yet with the small stipends which the parochial clergy had in Ireland, and with the expenses of keeping glebe-houses in repair, they were described as possessing bloated revenues; it was thus, and by arguments founded upon representations such as these, that the opponents of Ministers sought to procure their removal from office, with a view to become their successors. The present Ministers were on their trial, and he felt confident that they would be acquitted; he need scarcely suggest that the conduct of the Opposition would, since the commencement of the present Session, contrast with that of the Administration in a manner most disadvantageous to the latter; it was really of a character quite unparalleled even in the annals of an unreformed Parliament. If the Members on the other side of the House were sent back to their constituents, he entertained not the least doubt that they would receive such a lesson as would fully convince them that the people of England were not satisfied with their conduct in that House; they would show their representatives that they did not approve of the conduct of an Opposition that had endeavoured to remove a Ministry which could carry on the affairs of the country while those who opposed them were wholly unable to replace them, for a Babel Opposition could never form anything but a Babel Administration. The hon. Member vindicated the Duke of Wellington from the charge some time ago brought against him, of having advised the dismissal of the late Government, and contended that Earl Grey, when he said that Lord Althorp was the right hand of his Government, had in effect given the advice which led to the change of Ministers. The present Ministers had never intrigued for office, nor had they ever done an official act which needed defence or vindication.

Mr. Andrew Johnstone stated, that last night he had not voted upon either side.

He could not support those with whom he generally acted, nor had he divided with his Majesty's Government. He thought, however, that justice had not been done to the Protestant Church in Ireland by the hon. Members at his side of the House. It would, he thought, considering his Protestant opinions, ill become him not to stand up in support of the Irish Church in the hour of its distress. He thought that a bad test had been applied to that Church—namely, the test of its success, against which it was well known up to that time so many causes had conspired. There was at present in Ireland a body of most zealous, efficient, and evangelical pastors. He objected to have that revenue cut down which was essential to the Establishment, if they were to have an Establishment at all. They ought to have had means of information before they proceeded to a decision. What, he asked, must the country think, when it heard that they had come to a conclusion that morning, notwithstanding the great discrepancy as to the amount of the Church revenues which existed between the solemn statements of the noble Lord, and the right hon. Baronet? For his part, he was anxious that a sum of money should be applied to the purpose of sending missionary clergymen who might be able to preach the gospel to the people of Ireland in their own language. He was not opposed to a judicious Reform in the Establishment. He would go as far as anybody in salutary and healing Reform; but he never would consent to the destruction of the Church. If the House went on in the way they did that morning, to declare a surplus, the Roman Catholics would soon take care to make one. He did not think that a question involving so many important considerations should have been entertained as a party question; and it would have been far better for the hon. Members to have proposed a substantive Resolution that the House had no confidence in the Administration than seek to effect their object by a side-wind. And if they had good constitutional support for their Motion, he would have been amongst those ready to declare they had no confidence in the Government. But he never would be a party to dealing unjustly with the Government of the country. He would not assist in throwing them overboard by any side wind. Let them have fair play. This

great Question of the Irish Church ought to be decided on its own merits. He looked upon the Opposition as a rope of sand merely; for even according to the evidence of Lord Melbourne himself, some of the present followers of the noble Lord (Lord John Russell) had been amongst the most vehement and vigorous enemies of the late Administration.

Colonel Conolly said, that representing, as he did, a Protestant county, he could not refrain from denying the greater part of those assertions in which hon. Members at the other side had indulged during the debate. The Protestant population in Ireland had strong reasons to complain that their Church had been vilified—her revenues exaggerated, and marked out for spoliation—and every injurious course adopted to bring the Established Church into disrepute, during the discussions that had taken place upon the deceptive and furtive Motion of the noble Lord. His object in rising was to divest the Motion, so far as his humble abilities permitted him, of its outer guise, of its sinister and furtive character. It was pretended that the object of the present Motion was to promote education in Ireland. A more gross or iniquitous deception, under the pretence of affection for Ireland, was never yet attempted to be practised. The real object was, under a combination such as never before had been witnessed in that House—the object of this coalition, he would repeat, was, under a miserable generality, to aim a dagger at the breast of the Administration, which they dared not attempt openly to remove—and every thing which could disgrace the politician, and dishonour the human heart, had been resorted to for the purpose of carrying their nefarious intentions into effect. The Resolution was drawn in such a manner as to catch fish of all sizes within its meshes, but when it was exhibited in its proper colours to the English nation, they would despise those who resorted to such dishonest and interested means to carry their object. His own countrymen, however, would see the matter in its proper colours—he, as an independent Member of Parliament, should in his place denounce the measure, and it appeared to him that any person possessing a particle of understanding, must be able to divest the subject of the tinsel and glitter in which it was tricked out; and so

far as Ireland was concerned, he could say that the people of that country would not be mistaken in its effects, and they would never accept humbug for justice, or be deceived by a set of men who were trying to disguise unworthy and interested motives under the guise of affection for a sister country, who talked of tranquillity, and yet were continually appealing to the worst passions of the Irish peasantry; who were referring in the absence of present grievances to the times of Henry 8th, with the view to excite ancient animosities; who even now, while they promised so much, were for their own purposes rejecting the real remedy for the ills of Ireland, and substituting in its place one that must lead to the prostration of all law in Ireland. He admitted that the real evil, cemented with the Church in Ireland, was the mode by which the tithe was collected. His Majesty's Government had presented to the House a highly satisfactory measure, which was calculated to eradicate the evil. The great evil, as he had stated last year, was the necessity which was imposed upon the clergy of having recourse for the collection of their revenues to a pauper Catholic tenantry. The measure of his Majesty's Government went to eradicate that evil thoroughly; and yet it was to be rejected, and this furtive Resolution substituted in its place. The sham sensibility of this deceptive Motion would, instead of procuring peace and conciliation, only tend to irritate the people of Ireland of all parties. One of the greatest misfortunes of Ireland was, that some of the ills which affected her were made matters of speculation on which some men drove a trade, and thrived by it. He stood there as an independent man, who for years had exerted himself to diffuse the benefits of Scriptural education in his own district. For thirty years he had done all in his power to promote such education, and he had done so out of his own pocket, and not by any predatory attacks on the public purse. ["*Hear.*"] Hon. Members opposite, who were now the advocates of education, had uniformly opposed every plan of education which had been proposed for years in Ireland. He could prove it. They were content to leave the people in ignorance, because that was the material on which the Demagogue and Agitator could work with most effect. It really appeared to him, that if

there was an attempt to impose on the public mind, which presented itself in a more ludicrous point of view than another, it was the present. Hon. Members affected a desire to give the people education, but the only effectual way in which they could give it, was by going heart and hand with those whom they now opposed. If they did, the people would receive it, and would be grateful for it; but this was not what was wanted by hon. Members opposite; they wanted to make an attack on Church-property. He disclaimed being actuated by a desire to make proselytes—all he desired was, that the people should be permitted to read the Word of God. That was the system of education which he had always advocated, and which he would never cease to advocate. He protested against such an intolerant aggression on the property of the Church in Ireland. He protested against such an attack, made under miserable subterfuges, which any man who had lived a short time in Ireland or in this country must at once see through. To carry on such an attack it was only necessary to throw off all the incumbrances of common truth and common sense. Did not hon. Members see how the amount of Church-property had been raised—the Estimate of one hon. Member from 450,000*l.* to 1,000,000*l.*? This was a Question of Appropriation. The supporters of the proposition were rolling the apple of discord through the country—and hon. Members who had the love of God, and a desire of preserving peace and order on their lips—had for their real object the perpetuation of clamour and the increase of violence in Ireland. Was it done to hold it up as an object of plunder and spoliation, and an endless source of profit? The Church, it seemed, according to the arguments of some hon. Members, was to be plundered first of a large portion of her revenue; but it was to be restored again when the number of Protestants had increased. But was it likely that such increase would be permitted under the present system of intimidation in Ireland? Was it likely that the number would increase under the death's-head and cross-bones system of intimidation? When such marks, which might involve the lives of the parties, were placed on the shops and drawn round the house-doors of those who dared to vote against the wish of the greatest despot in Europe; he meant the hon. and

learned Member for the city of Dublin? He would repeat, that this was done by the greatest despot in Europe—the hon. and learned Member for the city of Dublin. If murder were not despotism, he knew not what was.

Mr. *Roebuck* rose to order. It was, he submitted, highly irregular to make such charges. The hon. and gallant Member had charged the hon. and learned Member for the city of Dublin with instigating to murder.

The *Chairman* (Mr. Bernal) could hardly think the hon. and gallant Member meant what he said.

Colonel *Conolly* bowed to the opinion of the Chair, but he hoped that the consequences of such threats in Ireland might be as unreal as his assertion. Every base motive had been brought into action to cover the real and insidious purpose of hon. Gentlemen opposite. They had practised delusion to cover their insidious purpose—they had adopted a tortuous course to achieve that which they dared not attempt openly. He would tell them that their conduct was factious. It had all the ingredients of faction except courage. He had felt it his duty thus to strip this scandalous proposition, on which the votes of 322 Members had been caught, of the garnish with which it had been covered. He complained of the whole course which had been adopted towards the Established Church. He complained of her ministers having been villified—her faith derided; but he would say, that from none do the Roman Catholic peasantry receive greater kindness than from the ministers of the Established Church in Ireland—and bigot as he was supposed to be, Roman Catholics preferred living with him to persons of their own creed. He could not conceive how Members who voted last Parliament against the repeal of the Union could have been induced to sanction this deadliest blow to the connexion between the two countries. It was impossible he contended to destroy the Church in Ireland without the separation of the two countries following as matter of consequence. If the Protestants in Ireland were not supported by Great Britain they would be compelled to seek safety in another land. It was a fact, that year after year they were flying in thousands from their native shores. Last year there were many of his own tenants, whom he was most anxious to

keep with him, preferred this voluntary exile; and when he tried to persuade them to remain, some of them replied to him—"How can we think of remaining here when we cannot walk the public roads in safety." From similar motives, he had no doubt many thousands departed every year, and to such an extent was this carried, that not less than a quarter of a million of persons left Ireland for other countries. No doubt the account of the diminished number of Protestants was grateful to the ears of many Gentlemen opposite; but it was a source of pain and regret to those who had the best interests of their country at heart. With respect to the motion before the Committee, he must again say that he did not think it in the power of mischief to create more effectual means of increasing discontent and disturbances in Ireland. Hon. Members in supporting it would hold out a temptation to every kind of rapine and every kind of outrage in Ireland. It would operate more than any thing else to disturb the peace, as well as the domestic tranquillity in that country. Holding this opinion, and believing that it was only a flimsy pretext to cover their own political interests, he would cordially join in opposing the motion.

Mr. *Sharman Crawford* said, on the subject of tithes, he had in another place stated, and he now repeated his opinion, that justice was not done to the Catholic or Presbyterian population in being called on to contribute to the support of a Church to which they did not belong. It had been objected to the present motion that it would not satisfy the people of Ireland, and the case of the Catholic Question was instanced as one from which great expectations were held out, none of which had been realized in tranquillizing that country. He would admit that Catholic Emancipation had not produced the good that was expected from it; but the reason was, it had not been accompanied with those other necessary measures which the state of Ireland called for. The abolition of Tithes was one of those measures, and he was convinced that until that measure was finally and amicably disposed of Ireland would not be tranquil. There were other measures also necessary for attaining that important object. One of these was the application of a part of the revenues drawn from Ireland to the employment of the people, and another the establishment

of some provision for the relief of the impotent and destitute poor. Unless some measures of relief of this kind were devised, the great mass of the people of that country would never obey the laws. One great source of discontent, and one which pressed heavily on numbers in Ireland, was the Tithe of Agistment. By an Act of the Irish Parliament, the Tithe of Agistment was altogether abolished; but by the compulsory Tithe Composition Act, passed in the late reign, that tithe was made an impost on all land which before had been levied only on pasture land. Great hardship and distress had arisen from this, for all property that had been purchased, and all leases taken for a long time before, had been made subject to that exemption. With respect to the payment of tithe being exacted from those who differed from the Church, which those tithes went to support, he would ask members of the Established Church what was it that gave them the name of Protestants? Was it not because they protested against any power of the Church or State being exercised to fetter the free exercise of their opinion, or in any way to bind the human mind? But he would contend, that to enforce the payment of tithes on those who did not belong to that Church which received them was a violation of the rights of conscience. He had no wish to disturb the Church of Ireland; all he wished was, that justice should be done to that country. If it were not, he owned that he should feel bound to join in the call that had been made for the restoration of her own domestic legislature. He would, however, prefer that the united Parliament should do them justice; because, if that were done the two kingdoms would be more thoroughly united, and England and Ireland would, as they ought to do, stand or fall together.

Colonel Verner said, before the noble Lord opposite submitted his motion to the House, he should take the liberty of calling its attention to a case in which he was deeply interested, and of asking a question arising out of it, to which he was naturally desirous to receive an answer. The case and the question could be very briefly stated, and he should beg leave to repeat them. The case which he submitted to the noble Lord was this:—For some time past it had been his intention, as soon as some arrangements which he contemplated were completed, to erect a

church and to endow a curacy upon his property in the north of Ireland; the question to which he was anxious to obtain an answer was, whether endowments such as his were to become subject, by the noble Lord's Motion, to parliamentary control? He proposed this case to the noble Lord, because he believed it to be of much importance in itself, and one in which many were interested—and agreeably to the expectations which the noble Lord's reply encouraged him to entertain, he did hope that it would have received in the course of the noble Lord's statement before the House the consideration he thought it deserved—and that he should have received an intelligible answer, for the noble Lord had given him no reply. He had left him to deduce his own conclusions; in short, he had not afforded him the slightest assistance. He repeated his question, "if a private individual endow a church for the maintenance and extension of the Protestant religion, does his donation, the moment he has bestowed it, become liable to be seized and applied, by those who perhaps hate that religion, to purposes which are hostile to it?" If it were answered that private endowments were to be exempted from parliamentary control, then he would ask of the noble Lord to give the benefit of this exemption to whatever in past days was of private donation. But, if the noble Lord said, that as soon as an endowment had been conveyed by an individual for the maintenance of a Church he loved, it should be, at the will of Parliament, applied to the benefit, directly or indirectly, of a religion against whose doctrines he conscientiously protests, then he affirmed that the noble Lord virtually deprived the Church of any benefit it might hope to derive from the liberality of private individuals. Could any thing be more unfair, or more unjust, than that an assembly, consisting of persons of various religious persuasions, from which there was scarcely any exclusion, except of ministers of the Church, should dispose of the Church revenues—should pronounce what is a surplus, and direct it to uses not Ecclesiastical? If for no other reasons than these he should have felt himself called upon to vote as he did last night, against the noble Lord's Motion. It was his wish to have said a few words upon the subject of education in Ireland, but after the lengthened discussion which had already taken place,

he would not trespass longer upon the time of the House, reserving the few observations he might think it necessary to make, until that subject was more immediately before it. He should not now have risen, were it not that the question he had put to the noble Lord seemed to have been passed over by him, as undeserving his attention.

Lord *John Russell* begged to state in answer to the hon. and gallant Member, that his resolution would not warrant any interference with private endowments; nor did he propose to meddle in any way with them.

Sir *Robert Bateson* could assure the House, that he would not detain them at any length, nor should he have addressed the House at all were it not for the allusions that had been made by the hon. Member for Dundalk, to the meeting held last year in the county of Down; and as neither of the Members for that county happened now to be in their places, he trusted to the indulgence of the House while he refuted the charges that had been brought against those who attended that meeting. He begged to state, in answer to those taunts, that the meeting (the objects of which had been so much maligned and misrepresented, and in which never was a more respectable assembly congregated) had been held because the people of that important county felt the greatest want of confidence in his Majesty's late Government—because they were satisfied that Government was no Government for them—that in Ireland the Protestants, had not, under that Government, fair play; but, on the contrary, because the constituency of the county of Down had discovered that, whatever the hon. and learned Member for Dublin chose to dictate to the late right hon. Secretary for Ireland, that became the law of the land. He stated without the fear of contradiction, that never was there a more unpopular Government to the mass of the Protestants of the north than was that over which the right hon. Gentleman opposite had presided. The right hon. Gentleman, however, chose to sneer at that meeting, but he (Sir R. Bateson) must be permitted to say, that the sneer came with peculiar bad taste from the right hon. Gentleman (Mr. Littleton) when applied to the county Down meeting. The meeting in question, combining, as it had done, all the pro-

perty, influence, and respectability of the great and opulent county in which it was assembled, had been called together for the purpose of addressing his Majesty with an expression of its want of confidence in his Majesty's then advisers, and that immense meeting, the numbers of which he would not attempt to describe, had separated without the slightest riot having occurred, without any individual quarrel. He was not to be put down by the sneers and gestures, by that system of intimidation which he saw practised last night with sorrow and disgust by the occupants of the benches opposite, in a manner which was disgraceful at once to Gentlemen, and still more so to the character of the British Senate. Nothing could be more disgraceful than when a Member got up to express his sentiments, that he should be attempted to be coughed down. "We (said Sir Robert Peel) on this side of the House, do not interrupt you—we hear you out, and all I ask in return is fair play." With respect to the assertion of the hon. Member for Dundalk (Mr. S. Crawford), he would only say, that the requisition to call the meeting was signed by every nobleman in the county, and by every gentleman of property in the county, with the exception of the hon. Member for Dundalk himself. The hon. Member attempted to get up a counter declaration, yet, notwithstanding emissaries were sent throughout the county, who had applied at all the alehouses, only eight hundred signatures were obtained. The sentiments expressed at that meeting were those entertained by the inhabitants of the province of Ulster, a province equal to any other in Ireland in respect to the moral worth of its residents, and to their intelligence, and which contributed by its trade and commerce more largely than any other province to the revenues necessary for the maintenance of the State. In that province individuals could find security for their capital, and protection for their persons; there the inhabitants were not threatened with the "death's heads and cross bones;" neither around the residence of any man was drawn the line of demarcation, which was the signal for a system of exclusive dealing. In the province of Ulster, the capitalist or the small trader was not liable to the denunciations of any hon. Member, to the effect that he "might have a chance of mercy elsewhere, but

that on earth none would be shown him!" He would ask the House, whether this district of Ireland—a district in which trade and commerce flourished, and happiness prevailed—should be wholly despised? With regard to the Question before the House, he should not presume to go over the arguments which already had been adduced, but he would state thus much—that there was no man more anxious than himself for a real Reform of the Church of Ireland. Neither would he oppose the abolition of sinecures, but at the same time he would increase the stipends of those curates and working clergy who were now paid at too low a rate. With regard to tithes, he believed, nay, he knew, that the present system was not acceptable to a great portion of the community, and of all things he should wish to prevent the clergy being brought in contact with the occupier of the soil. These were not only his sentiments, but those of his constituents. He was anxious for a complete alteration of the tithe system; but with regard to the proposition of the noble Lord, the Member for Devonshire, he looked upon it as the first step towards the complete annihilation of the Protestants of Ireland. He wanted no domination over the Catholics, neither would he submit to Popish domination. He would go still further, and say, that if such an appropriation as was proposed be made, the Presbyterians of Ireland would not be satisfied—already they did not approve of the present system of national education, as being contrary to their tenets and principles. That body, in common with himself and others, held the public grant in aid of the present system of education in Ireland to be a grant to the Roman Catholic portion of the population, and he was therefore justified in stating that it would not be even-handed justice to make such provision as was now proposed. He could tell the noble Lord and the House, that the Presbyterians of Ireland would not accept it; in a word, it would neither give satisfaction to them, nor to the poorer classes of the Roman Catholics. He, in common with his constituents, wished for a general system of education founded on the Gospel, as the means by which to remove bigotry, darkness, and superstition—a system by which the people would be enabled to judge for themselves, and to free them from the thralldom of a bigoted priesthood. He

would add, that wherever a Church was built, and its duties discharged by a zealous clergyman, that Church, even in Roman Catholic districts, was filled to overflowing. He never would consent, because the number of Protestants in a parish might be small, that therefore no minister should be continued. He believed, that one, two, or ten individuals were valuable in the sight of their Maker, and therefore were as well entitled to the exercise of their religious rights as thousands. He must apologise to the House for these observations, which he had uttered on the spur of the moment; these observations were dictated by conscientious and heartfelt feelings, and he therefore hoped he had not unnecessarily trespassed upon its attention.

Mr. Littleton said, that noise, and the declamation of set speeches were not the legitimate attributes of debate, but the statement of the hon. Member, who had last spoken, that the observations he had made had been offered on the spur of the moment, was the best excuse that hon. Member could offer. The hon. Member had been pleased to say, that the cause of the county of Down meeting in November last, was the unanimous feeling of that county, that even-handed justice could not be obtained from the Government. If that was the case, why, before the close of the last Parliament, had no specific charge been preferred against the Government? He (Mr. Littleton) challenged the hon. Member to make the charge, and should the hon. Member do so, he could promise him a most triumphant answer. He should have remained silent on the present occasion but for the taunt which the hon. Member had thrown out. He must, however, take this opportunity of asking the hon. Member, whether or not he was one of four or five magistrates who had put their names to the requisition printed and published in the county of Down, inviting the impartial judgement of the Orange lodges of that county at the meeting in question.

Sir Robert Bateson said that he had never heard of the requisition alluded to by the right hon. Gentleman. He was not an Orangeman. With regard to charges against the late Government, the right hon. Gentleman need not be so eager; perhaps they might be made sooner than would be agreeable. The right hon. Gentleman ought to be the last man

to speak sneeringly of the county of Down.

Lord Castlereagh said, that having been personally alluded to, he should be wanting in respect to the House if he did not endeavour to address a few observations in reference to what had fallen from hon. Members on the other side. He was sorry that he had not been present in the House when the hon. Member for Dundalk had alluded to the late meeting of the inhabitants of the county of Down. He (Lord Castlereagh) thought he had set himself right with the House in respect to that subject. He had stated that there was a disinclination prevailing in the north of Ireland to the payment of Tithes. But the landlords of that part of the country had taken upon themselves the payment of the tithes, and the hon. Member for Dundalk knew as well as himself that the most beneficial results had followed. He (Lord Castlereagh) was unwilling to analyze the petition on the subject of tithes which had been presented by the hon. Member, but of one of those petitions he would state, as a fact, that it was hawked about through no less than ten parishes, and obtained only about 4,500 signatures. It had been attempted to be shown that the meeting in question was an Orange meeting, convened, as the right hon. Gentleman opposite had seemed to assume, by a requisition bearing the signatures of four or five magistrates. He would ask the right hon. Gentleman if the Orangemen had come out to that meeting with insulting supremacy or taunting ascendancy—with either violence or menace? No such thing. He would not enter into the numbers of the individuals comprising that meeting, described by some of the newspapers as 50,000, but this he would say, that before twelve o'clock at night the town of Hillsborough was as quiet as though no such immense meeting had been held therein—a meeting which left no recollection behind it of an unhappy or unpleasant character. This, however, had been designated as a dangerous meeting. On the subject now before the House, he should be devoid of every feeling, standing in the situation he did, if he maintained a strict silence. With respect to that subject, the first sentiment (divested, as in his mind it was, of party feelings), which occurred to him was, that the maintenance of the Church of Ireland was assailed, and that it was now attempted to undermine its best secu-

rities. It was useless to attempt to call it a petty resolution, or to qualify it by saying that if carried, with it the proceedings must stop. The Protestants of Ireland would not believe any such thing, but would look to the proceedings as manifesting most certainly no very great attachment to that establishment. The noble Lord opposite, by moving the present proposition, had placed himself forward as the organ of the Catholic portion of the Irish community; and no doubt many hon. Members were rejoiced to see the noble Lord come first forward for the formation of a Roman Catholic Established Church. Such, he contended, would be the result of the Resolution, and it served in his mind to prove the error which the British Legislature had committed in consenting to grant the boon of Catholic Emancipation. [*“ Oh, oh!”*] Hon. Members might sneer, but had not those who now did so told the Legislature, that if the measure of Emancipation was conceded that would quiet Ireland? Was it for the present purpose that they had solicited the proprietary of the north to unite with them in carrying that measure?—was it for that that those who held the Protestant institutions of Ireland as dear as their country had submitted and yielded to their solicitations? The present events proved how correct those were who warned the British Legislature and the country of the danger of making too great concessions. The best argument which had been advanced in favour of the proposition under consideration was, that numerically the Catholics were opposed to the system of contributing to the maintenance of a Church from which they derived no benefit; but he would ask, could it not some years, nay, some months hence, be urged with equal truth, that it was the equally intolerable hardship and grievance which the Catholic people of Ireland felt to be under the control of a Protestant proprietary possessing the land, and that, therefore, the support of that proprietary was as great a grievance as had been in the Protestant Church. The present time was one of no common danger, but was a period at which every man, however small or unimportant his stake in the country, ought to come forward. He cared not what might be the Government, the good of his country was, as an Irishman, nearest and dearest to his heart; and so long as he had the power he would raise his voice

against a measure like the present, pregnant with evils to every lover of his country, who could not but look at it with dismay. By the present proposition Ireland would not be quieted, the Catholics would not be conciliated, because it did not go further, and the Protestants would be disgusted because it went too far. The proposition brought danger too near the Church of England for the Protestants of this country to remain tranquil or satisfied, and though he might be blamed for raising a "No Popery" cry, yet he did not fear to do so on the outset. He raised the cry of "No Popery," because he saw a disposition to serve, without considering the evils, one party, to inflict immediately an injury upon the Protestant Church of Ireland, and, prospectively, and still more deeply, an injury upon the Protestant Church of England. He thanked the House for its kind attention. He was anxious to indicate his views and feelings—feelings which he was determined to maintain as those of the party by whom he had been sent to the House. That party looked with anxiety to the result of these deliberations, in order to see whether the Protestant Church was to be kept up, or sacrificed to suit the purposes of those who forgot all considerations, save that of turning out a Government with whose principles they differed.

Mr. Wyse said, he believed the noble Lord who had last spoken understood but little the real sentiments of the country, for in the north of Ireland the cry of "No Popery" he believed was entirely extinct. But he did not wish to dwell upon this subject. He should turn from the war cry of the noble Lord to the Question before the Committee, and should at once resume the subject of debate. He would call the attention of the House to the Question before it, and he would request that the Resolution before the Committee be read by the Clerk, in order that it might be known what the Resolution was. ["No, no."] Well, then, he would abandon his request, and proceed to discuss the Question. The noble Lord had said that he was favourable to toleration and to a wholesome system of education, but the noble Lord would only have such toleration and such a system of education as he would himself prescribe. The noble Lord had said, too, that he was favourable to the Resolution as far as it referred to education, but then he said also that the whole of the north of Ireland was opposed

to it. That was not correct. Some surprise had been expressed at the Roman Catholics being again discontented. He would remind the house that, during the recent discussion, only two Roman Catholic Members had addressed the House. They had a legitimate reason for so doing, as they had been accused of violating the oath which they had taken at the Table, not to do any thing which was calculated to subvert the Protestant Church as by law established. He should not have deemed that accusation worthy of notice, had not the subject been noticed by the right hon. Baronet in the eloquent speech which he had delivered last night. The Roman Catholic Members had exercised their privileges in that debate, but not for the object which the right hon. Baronet had described; for they considered that the correction of abuses was not the subversion of either Church or State. If the object of the Relief Bill had been to exclude Catholic Members from discussions of this nature, then was Catholic Emancipation only half granted, and the Roman Catholics were defrauded of half their rights. The Roman Catholic Members did not attend Parliament, like the Peers, as the representatives of their own rights, but as the representatives of extensive constituencies, the Protestant part of which were as hostile to these abuses as the Roman Catholics themselves. Every Gentleman who had addressed the House seemed to be agreed as to the nature of the abuses which existed in Ireland; but he had not seen in the speech of the right hon. Baronet any plan proposed for their remedy. If Ireland was a poor and impoverished country, and if the lands of Ireland were uncultivated, that was not the fault of the soil, but to the blighting dissensions which prevailed among its inhabitants. The Catholics of Ireland looked to the application much more than to the collection of the revenues of the Church; and the object which they looked to most was education, to be provided for out of those revenues; for until the people were properly educated, it was impossible that they could form correct opinions, and till they could form such opinions they must continue tossed about between different agitations. The situation of Ireland at this moment was such that unquestionably education was the most likely means of raising that country from the degradation in which she had

for so many ages been sunk. By the Act of Henry 8th, the Irish clergy of that time were bound to provide for the education of the people by the establishment of parochial schools. But he should not dwell on the subject of education, as it was to be brought specifically before the House on a future occasion, for which he should reserve himself. The diocesan schools were established in Ireland in the reign of George 2nd, for the purpose of general education, and he contended that any surplus of Church-property in that country ought to be expended in like manner for general, and not exclusively for Protestant education—no matter what form of religion those who required that education might belong to. The establishment of charter schools, was entirely attributable to the negligence of the Protestant clergy; but a very small portion indeed of the First Fruits in Ireland, and the Queen Anne's bounty in this country, was applied to the support of those schools, and the deficiency was made up by Parliament from the pockets of the people. The Protestant clergy took upon themselves certain duties, which they were bound to perform, but how great was the contrast between their example and the lessons they taught from their pulpits on the Sunday. The Reformation in Ireland was nothing but a transfer of property from one religion to another, and forcing upon the people a religion with which the people were at war. It was the religion of an oligarchy, and not of the people. It was not religion at all; it was not Protestantism—it was Churchism. He had always supported in Ireland the principle of providing sufficiently for the Protestant clergy and for the spiritual wants of that part of the population professing that religion, but he could never agree to the principle that larger funds should be applied towards those objects than could possibly be required. He did not uphold the doctrine that, no matter whether there was a parson or no, there must be a Church. This was not a question that related merely to a change of men in the government of the country. No, it was a question that regarded the pacification of Ireland. That country had been too long a victim to a bad system of policy. When hon. Gentlemen talked of the duties incumbent on the people, they ought not to forget the duties incumbent on the clergy. If the clergy called for the strict perform-

ance of the duty of the people to them, the people ought, on their part, to require the performances of the duties of the clergy to them. The obligation was much more binding on them than upon the laity. They were the teachers of morality and religion, and if they failed in setting a good example, how could the people listen once a week to the words pronounced from the pulpit, without contrasting their words with their performance? This Resolution was but casting up accounts with the body, with whom Parliament could be on no other terms as long as they neglected their duty, than those of discord and dissatisfaction. The history of tithe in Ireland was nothing but a history of religion forced on the people by their clergy. Paley had said that the only object of these institutions was public utility, and when that was gone they ought to be resumed. If Catholic Emancipation had not worked well, it was because it had not been granted when it would do most good. If it had been granted in full generosity of spirit, the result would have been different. But Catholic Emancipation had been granted too late, and contrary to the expressed opinion of the Minister himself, and therefore it had not been productive of those advantages which it was calculated to produce. He was far from wishing to deprecate the gift or to detract from the merit of the man who made it. He knew well the sacrifices, both of a public and a private nature, which the right hon. Baronet opposite had made to accomplish that measure. But, however much he (Mr. Wise) valued that measure, he did not as a measure of state policy consider it at all comparable with a plan of general education. The present Resolution would lead to an explanation why it was, that in the north of Ireland there were one thousand schools, while in all the country besides there were only six hundred. If Emancipation had not produced all the good results that had been expected from it the reason was, the protracted period to which it had been delayed; and, he was convinced that nothing now could benefit Ireland but following up that measure by a general and sound system of education. A movement in a country could not be stopped by the denial of justice. The check must come from the people themselves, and in order to enable them to guide it effectually, they ought to be properly educated. He concluded by

declaring his intention to vote for the Resolution.

Mr. Shaw said, that nothing had struck him so much, from first to last in the debate, as the difference between the real and professed object of the Resolution, between the ground upon which the majority supported it, and the working of it by the noble Lord, as well as the construction sought to be put upon it in the speeches of the noble Lord's immediate section, and more especially, in the able and ingenious, but he could not add candid, speech of the right hon. Gentleman the Member for Cambridge (Mr. Rice); the right hon. Gentleman had said, that the object with which he sought a surplus was for purposes purely Ecclesiastical; now, if this was education under the superintendence of the Protestant clergy, it would be one to which some proportion of the Church-property might be applied, and if his right hon. Friend (Sir R. Peel) had been as anxious to find an excuse for supporting the Resolution, as the noble Lord and the right hon. Gentleman (Mr. Rice) were studious to conceal its real object, he might have saved himself some trouble, but then he would not have acted with that manliness and straightforwardness which had distinguished him since he had taken office. As to the question of education, to what did it come? He would not go into the contested question of education generally. [*Cheers.*] He knew what those cheers meant; they meant to charge him with inconsistency. Now, his mind had undergone no change in respect of the system of national education introduced by the late Government; he had no objection to state what his opinion now was, although he had no desire to provoke a premature discussion on the subject. The noble Lord opposite had done him the honour of quoting a speech which he had made on a former occasion; he did not mean to deny that he made a very strong speech against the Government system of education; but the noble Lord had attributed a sentiment to him which he denied having ever uttered—that the law was only to be provisionally obeyed. The noble Lord had said, that this speech had been quoted by a noble Lord in the other House. Now he had never heard of that circumstance before, nor had he seen the report, but he had, notwithstanding, contradicted the same statement when it had been made by

the hon. Member for Waterford (Mr. Wyse) in the House of Commons, shortly after the speech in question had been delivered. He (Mr. Shaw) must, however, say, in reference to this pretext of applying this supposed surplus in aid of the present board of national education in Ireland, that he believed the only difficulty of that Board was, to find means of applying the funds already at their disposal, opposed as the system was to the principles of the Protestant population of Ireland—and that they succeeded only by drawing off schoolmasters from more useful employment by the temptation of higher salaries than a less forcing system could afford. The truth, however, was as had been stated by the right hon. Baronet (Sir J. Graham) in his admirable speech, the spirit of which shed new lustre on that high and disinterested course which the right hon. Baronet had already taken with respect to the principle of Appropriation then under consideration, the truth was as the right hon. Baronet had observed, most justly, that the real motive of the present proposition was not to give, but to take away. The supporters of it cared not, provided they could spoliat Church-property, to whom or to what the spoils were appropriated. Such, too, precisely, was the leading object of the Tithe Bill of—nominally, of the right hon. Gentleman who was then Secretary for Ireland, (Mr. Littleton)—but really of the learned Member for Dublin—of last August. Had the sum which was held out as a bribe to the clergy, in that Bill, been advanced from the Consolidated Fund, and charged upon Church-property, as was proposed, it would have amounted (according to a calculation, since made, of the wants of existing incumbents,) to a debt of three millions: thus absorbing the entire revenue—although that would have been wholly inadequate to repay the State, and be depriving the Church of all means of future subsistence. If there had been a doubt then of the motive of the learned Member (Mr. O'Connell), or if there was now of his present motive, it would appear plainly from the extract of a speech of the learned Gentleman which he (Mr. Shaw) held in his hand. So recently as the 15th of August last, shortly after the Tithe Bill was rejected by the House of Lords, the hon. and learned Member, in addressing a meeting at Waterford, made use of the following language:—"He said that he

and his friends had, night after night, struggled to do away with the blood-stained measure of Tithes. The Ministers became sympathetic, and agreed to give up two fifths, but Lord Grey's beautiful order put them on again, and he was glad they would not make two bites of the cherry, for next year they would get rid of the five-fifths." That was then the hon. and learned Member's object, and that was now his object. The hon. and learned Member proceeded to say—"As they could not buy the clergy, they must fight them." Now, he begged the attention of the noble Lord opposite (Russell) to what followed:—"As they could not buy the clergy, they must fight them. He wanted agitation. He wanted to extinguish tithes, and then"—and then what? Was it the peace, the good order, the perfect contentment which the noble Lord anticipated from the passing of his Resolution? Was it the abandonment of the agitation for the Repeal of the Union which the noble Lord affected to believe would be the result of the adoption of his proposition? He should hear—"and then what they should never forget—an independent Legislature." There was the avowed object of the chief supporter of the noble Lord's resolution. He would now beg leave to read to the House, a few extracts from a letter addressed to the Duke of Wellington by Dr. M'Hale, who had assumed the title of Archbishop of Tuam, which would leave no doubt as to what his object was. The rev. Gentleman said, "Your Grace is not, I trust, one of those persons who imagine that the mere will of a sovereign or his ministers imposes the obligation of law; nor is it, I trust, your impression that every enactment brings with it that solemn sanction, provided it is passed by a majority of the senate. No, my Lord, all the united authorities of the sovereign and the senate can never annex the conscientious obligations of law to enactments that are contrary to right, reason, and justice; and hence the stubborn and unconquerable mutiny of the minds of the people of Ireland against those odious acts (I will not call them laws) which have ever forced them to pay tribute to the teachers of an adverse creed."—[*Cries of "Question."*]—He apprehended that he was not wandering from the Question in endeavouring to make manifest the object of the hon. Member for Dublin, and those who

were connected with him. In another passage of the letter, Dr. M'Hale said—"Compositions and land taxes in lieu of tithes are all vain artifices. If the landlords take on them the payment of tithes, and attempt to charge them on the tenantry, then the landlords will be conspiring against the payment of their rent, nor need they any more dangerous combination. I shall freely declare my own resolves. I have leased a small farm, just sufficient to qualify me for the exercise of the franchise, in order to assist my countrymen in returning those, and those alone, who will be their friends, instead of what their Representatives usually were—their bitterest enemies. I must, therefore, confess that, after paying the landlord his rent, neither to parson nor proctor, nor landlord, nor agent, nor any other individual, shall I consent to pay, in the shape of tithe or any other tax, a penny which shall go to the support of the greatest nuisance in this or any other country." Now, after that, would the right hon. Gentleman (the late Secretary for Ireland) who ought to know something about that country, endeavour to persuade himself that it was not the object of a considerable party who supported the Resolution moved by the noble Lord opposite to destroy the Protestant Church? He would for one moment advert to the articles of the Act of Union between England and Ireland, and would show the construction put upon it by an authority which ought to claim attention on the opposite side of the House, and of which every Irishman, whatever his politics were, must be proud—he meant Mr. Grattan. In 1819, Mr. Grattan said—"The antagonists (the opponents of emancipation) have said, that with equal privileges, population draws power; then there is an end of their opposition, for the population of the two islands is Protestant five to one, and the Protestant ascendancy would therefore be established by the emancipation of the Catholics, and increased, inasmuch as where the different parts of the community have their natural place, the strength of the majority embraces the strength of the whole—there is no deduction; you must consider, then, also, in addition to their numbers, that the property, particularly the landed property, is beyond comparison Protestant—you are to consider that the seat of the Legislature is Protestant—you are to consider that the

Crown is exclusively Protestant.*" This reasoning of Mr. Grattan, then, fortified by the opinions of Pitt, Lord Minto, Mr. Canning, and all the great authorities of the day, on the union, is opposed to the whole tenor of the argument on the other side of the House, that the majority of the population in Ireland is to decide the question of the Established Church; if so, where are you to stop?—Why not apply the same rule to Lancashire, or any other district or even parish in England where the majority is not of the Established Church?—and how, with common consistency, can hon. Members contend that the Bill of last year, which they supported leaving three-fifths of tithe still payable, would have altered the principle against which they protest, or that now the grievance (as they call it) of a Church established by law, to which the majority of the people does not belong, would be removed by taking away only a part of its revenues? Church or no Church is the real question involved in this Resolution, and we need not try to blink it. The disturbed state of Ireland did not originate in the objection of the tenantry to the payment of tithes, which was merely a pretext. He attributed the resistance to the payment of tithes to a system of agitation and intimidation which was constantly going on. He could state to the House an important fact connected with this subject. Up to the year 1826 every Roman Catholic catechism contained an article enjoining the payment of tithes; but in every such catechism published since that time that article was omitted, and, before that period when the systematic combination against the payment of tithes was organized under the priestly and political agitators of Ireland, it was a common practice in many parishes where all tithe is now withheld, for the Roman Catholic clergyman to assist the Protestant clergyman in the collection. An instance had been mentioned to him that day by an Irish clergyman on whose behalf, at the time, he spoke of, the Roman Catholic priest of his parish used regularly to give notice in his chapel that the tithe was due, and exhort his hearers to pay it to the Protestant rector. But what was the extraordinary doctrine held on the other side, especially by the right hon. Baronet (Sir John C. Hobhouse), that in Ireland

law had failed—government had failed—public charity and private benevolence had failed—the Established Church had failed; but, said the right hon. Baronet, we have at last discovered in this unascertained and non-existing surplus which we are to apply to an unexplained purpose, a panacea for all the ills, a remedy for all the wrongs of that unhappy country. True it was, that law, and Government, and Church, and every other means of improvement had great and almost unprecedented difficulties to contend with in Ireland, and the great secret of these difficulties was, that Ireland in many parts being in a state of almost barbarism, as compared with Great Britain you are applying to it the highly civilized institutions of this country, and vainly expecting the same results; "but if in the case of the Church you reason that it has not prospered and increased as in England, therefore you should remove it—why stop short there and not say the same of English law, English Government, and above all, the English legislature? You say," continued the right hon Gentleman, "Protestantism is not increasing, but what is the case with the poor, unhappy Protestants in the south of Ireland? Scattered through a country such as I have described persecuted and oppressed, they are generally driven either into societies for self-defence—to assume, for personal safety, the guise of a religion in which they do not believe—or, what is more frequent and irreparable to seek, in a foreign country, the peace and protection which they cannot find in their own. I have it on good information, and I believe that within the last few years, upwards of 150,000 Protestants (the flower of our Protestant yeomanry) have emigrated from Ireland? What, then, is your course of justice to the Protestants of Ireland? The greater number driven as exiles from their country and their homes by outrage, intimidation, and every species of oppression, you then send a commission to number the remainder, and you punish them because they are not more numerous. You find them comparatively few and unprotected amongst a population whose religion you in common with them believe to be erroneous, the habits of that population are uncivilised, and what is the comfort and encouragement you propose to the civilized Protestants—to remove the minister who holds up the light of truth in the midst of darkness, and to wither that green spot, as it were, of

* Hansard, vol. xi, p. 20.

civilisation which he may have cultivated amidst all his difficulties, privations, and discouragements in the wide waste of ignorance and barbarism that surrounds him. But, Sir, to return to the real Question before us. It is not one of degree, but of principle—not of the more or the less—not of a part, but of the whole; not whether there is a surplus, or if so, how it should be applied—but divested of all party tactics, of all ingenious obscurity, of all dexterous covering—the real Question is, shall the Protestant Church be suffered to exist in Ireland? I, Sir, admit the power of the Legislature to take it from us, but I very respectfully, but as firmly deny their right. I deny it on the faith of a great national compact. I deny it on the broadest principles of justice and of truth. I deny it on the ground of the strongest obligation of a grateful recollection on the part of England of the long tried and unwearied attachment of the Protestants of Ireland to British connexion and British interests. I warn you, that if you dismember the united Church, soon will follow the dismemberment of the united empire. If you recklessly cut off the Irish branch of the Establishment, your own will not long survive it. With her will fall your highest national glory—and with the severance every hope of peace, prosperity, civilization, or happiness to Ireland. I desire not to introduce, unnecessarily, questions of religious controversy into the discussions of this House; but, Sir, our greatest men have boasted, that “Church and State” were ideas inseparable in the minds of Englishmen; and if in our deliberative capacity, we are to consider whether or not that union is to continue, surely we should not be ashamed to entertain such a question in the spirit of a Christian Legislature. I mean nothing offensive to Roman Catholic Members of this House. I wished my Roman Catholic countrymen equality in civil rights, and I always have avoided giving them offence even in matters of religion—but, Sir, so long as truth is opposed to error, and darkness and light are not alike—whatever opinions may prevail in this House, you will never persuade the sober sense, and religiously-disposed mind of the British public, that it is a matter of indifference which the Protestant or Roman Catholic be the established religion in Ireland, and as I believe in my conscience, that is the question which this Motion is to decide.

Knowing that it is brought forward with a party and political spirit, and not knowing more than any hon. Gentleman opposite what will be its effect upon the conduct of my right hon. Friend (Sir R. Peel) if he be defeated in the result of these discussions, and, having given him my independent and disinterested support, because I believe upon his continuance in office, depends the safety of the monarchy, and all the civil institutions of this great country—yet, considering the question of what persons may fill the highest offices of the State, as nothing compared with the great religious principle involved in this Motion, I earnestly hope and trust it may not be suffered to be decided by a side-wind motion, or any party dexterity, by the Representatives of the people in this House; but that it may be submitted to the calm and solemn decision of the country. I know not what the right hon. Baronet (Sir J. C. Hobhouse) means by an appeal to the lowest and the vilest passions of the people; but I would make mine, on behalf of the Irish Protestants, to the highest and the noblest sentiments which animate the mind of man to those sentiments which elevate him above the lower creation, distinguish him as an immortal being, and connect his destinies with the vast interests of eternity—and, addressing myself to the enlightened people of Great Britain, I would tell them that our common religion was in danger; that, with all deference to this House, it was assailed within these very walls; that as regarded the Established Church in Ireland, I would invite them to correct its errors—to remove its abuses in order to strengthen its efficiency; but I would implore them to preserve its existence, and to protect it from its adversaries; to remember the deeds, and the courage, and the faithfulness which was evinced of old in defence of that reformed faith, of which in Ireland it is the depositary; and I would earnestly beseech them not to abandon into the hands of its deadliest opponents that sacred cause, in defence of which our fathers and theirs bled, and suffered, and died.

Mr. *David Barclay* wished to ask the noble Lord, the Member for Devonshire, a question,—namely, whether he would consent to insert in his Resolution, words which would declare that the surplus fund should be appropriated to no secular purpose whatever except the purpose of edu-

cation? He had voted for the Resolution in the full persuasion that the noble Lord did not intend to appropriate Church-property to any other purpose than that of the moral and religious education of the people; but, whatever he might think of the noble Lord's intention, the speeches he had heard in that House led him to apprehend that some hon. Members did not feel disposed to limit the appropriation in that way. His constituents felt some alarm on the subject, and he believed that feeling had extended to other constituencies. He was desirous of knowing whether the noble Lord would consent to the insertion of the words which he had mentioned; if not, he would make a motion for their insertion.

Lord *John Russell* said, he thought, that as the Resolution was a general one, it was unnecessary to include matters of detail in it. They would more properly be the subject of a Bill. He thought, also, that the adoption of the hon. Member's suggestion might give rise to a question as to whether the general education of the people was a secular purpose. Under all the circumstances of the case, he hoped the hon. Member would not think it necessary to submit a Motion on the subject. He thought that by adopting the Amendment of the hon. Member for Weymouth, he had satisfied those who had entertained some scruples on the subject of the Resolution.

Dr. *Bowring* congratulated the House at having at last recognised a principle which had been established throughout Christendom, and which, as he believed, contained in it the elements of future peace and tranquillity. In its recognition we were but following the example of all other nations, whether Catholic or Protestant. In Portugal the Government and Cortes were at this moment occupied in appropriating the surplus revenues of the Established Church. In Spain he had himself been present at the discussions which had taken place when the Cortes had for its President a Catholic Bishop, and a large number of the Ecclesiastical hierarchy were Deputies of the nation. The difficulties were not as to the right of the State to interfere—that was a point conceded—but as to the amount of the property to be taken from the Church and applied to other national purposes.—In France, happily the same result had been arrived at—a result, whose beneficial

influence it would be hardihood to deny. In Catholic Belgium, in Protestant Holland, in Lutheran Denmark, in Prussia, in Hungary, and in many other countries which he might name, Governments and Representatives had interfered—had appropriated Church-property—had legislated on the simple principle which the Resolution of that night would introduce into the British code. Why was there in those countries none of this religious violence, the heart-burnings, the sufferings, which were spread over Ireland, but that the Church Establishments were made subservient to the wants of the people? Now, in Ireland, whether the statement of the noble Lord, or the right hon. Baronet were the true one—the excess was enormous—an excess unfriendly to true religious principle, for who would doubt that the days of the poverty of the Church were the days of its greatest purity? For every Protestant in Holland—that country so eminently distinguished for its religious character, the cost was not one twentieth of the amount levied for every Protestant in Ireland. In France, where all sects were equally provided for, Catholics, Protestants, and Jews; the cost per individual, was not one twelfth per individual, of the cost per Protestant of the Established Church of Ireland. He saw in this debate far more of the struggling for pelf than for principle; and, in desiring the settlement of the Question according to the spirit of the Resolution, he believed the best interests of Protestantism were really and substantially served.

Lord *Sandon* said, that after five nights' debate he had heard that evening not one argument recommending the Resolution before the Committee. He had heard nothing that could instruct him how the Irish people were to be reconciled to Tithes by the carrying of the Resolution before the Committee. When they were called upon to adopt such a principle as that contained in this Resolution had they not a right to ask whether the appropriation which it proposed would be satisfactory or not? On this point he had not heard a single observation made, but he thought they should be furnished with some information on that head before they agreed to an abstract Question. He was willing to admit that the State had the power to deal with the revenues of the Church; but he at the same time thought that such a right ought not to be exercised save in an ex-

treme case. From the period of the Reformation down to the present time the people had been accustomed to regard the property of the Church as sacred; but if that property were now to be devoted to other than Ecclesiastical purposes was it likely that the rights of any species of property would be long respected. This he believed was the first time that an attempt had been made to bring the rights of property into discredit, for that would be the inevitable result of the course they were now taking. Did they not recollect the question which his right hon. Friend (Sir R. Peel) had put to the noble Lord the Member for Devonshire, respecting the sum that would be necessary for carrying the proposed plan of education into effect, and the difference of opinion that prevailed between them as to the amount of the revenues of the Irish Church? The noble Lord even if he took a sum of 200,000*l.* for effecting the object which he had in view, would have them believe that there would remain nearly 600,000*l.* to be distributed among the Clergy of the Establishment; but his (Lord Sandon's) right hon. Friend, on the other hand, asserted, that this could not be the case, inasmuch as those revenues did not exceed 450,000*l.* Here was a dilemma in which the noble Lord was placed, and how had he escaped from it? The fact, however, was, that the noble Lord and those who supported this Resolution were dealing with a mere supposition; they were, in short, providing for the appropriation of a surplus which had no existence but in their own imagination. He must say, that he was surprised at finding the noble Lord or any other Gentleman who had held office under the Crown bringing forward a proposition so absurd and monstrous as the present, and all he could say was, that such conduct proved most indisputably that both the noble Lord and his Friends were wholly unfit to be trusted with the destinies of a great country like this. They should not forget what the effect of such a proposition would be—that it would open the door for other measures to which they could not assent without incurring the utmost danger to every institution in the country. He must say, that he could not perceive the advantage of this proposition, or what the principle was which was meant to be established by it. They did not intend that it should render the religion of the majority of the people of

Ireland the Established religion of that country; and as the principle contained in this Resolution was not only new, but such as had never before been thought of, he, without expressing any opinion as to the power of Parliament to interfere with the revenues of the Church, felt no hesitation whatever in giving it his most decided opposition.

Mr. *Borthwick* observed, that it was now past twelve o'clock, and therefore moved that the Chairman should report progress and ask leave to sit again. [*Cries of "Divide" and "Adjourn."*]

On the question being put, Mr. *Hawes* expressed his anxiety to offer a few observations to the Committee [*"Adjourn"*]. If it were their wish that he should postpone the remarks he had to offer, he would do so with pleasure [*Cries of "Adjourn," and "Go on,"*]. He wished to remind the House of one circumstance, which bore most strongly on the present Question. He had sat in the last Parliament, and had heard the noble Lord, the Member for South Lancashire propose the celebrated 147th Clause; the object of which was to give the State a power over a certain portion of the property of the Church derived from the conversion of leases from twenty-five years into perpetuity leases. On that occasion it was stated most forcibly by the right hon. Gentleman, the Chancellor of the Exchequer, and the hon. Baronet, the Member for the University of Oxford, that that property was to all intents and purposes Church-property; that it sprang from the Church, and was wholly and entirely derived from it. He contended then that that noble Lord himself was the very first individual who had advocated the making Church-property public, for he most certainly had proposed its alienation to most useful and strictly analogous public purposes. The supporters of this Resolution were the real friends to good Government in Ireland. By a steady perseverance in the course they had adopted they would not only prove themselves to be so, but would deprive the advocates of bad Government of their best and principal argument.

The Committee divided on the Motion to Adjourn.—Ayes 140; Noes 178; Majority 38.

Colonel *Sibthorp* moved, that the Chairman do leave the Chair.

The *Chancellor of the Exchequer* said,

it may appear to some desirable to come to a decision on this important subject to-night; but there are others who wished to be heard before the question now under consideration is finally disposed of. An immediate decision may, I admit, be approved of by a majority of those now present; but I must put it to the House whether it is not due to the constituencies of the hon. Members who still wish to speak to allow them an opportunity of obtaining a hearing? I have no doubt that it is the anxious desire of many of the constituent bodies throughout the country that their Representatives should express their sentiments on this important occasion, and I can answer that it is the wish of an hon. Friend of mine, who is not now in his place, to have an opportunity of delivering his opinions before this debate closes. As far as I am personally concerned I could wish, that the proceedings on this Resolution should terminate to-night, but, seeing that there are not now present more than half the number of Members who voted last night, I think it would not be quite fair to come to a decision in their absence, especially as many of them have gone away under the impression that they would be allowed an opportunity of declaring their sentiments. Considering, however, that this debate has lasted five nights I must acknowledge—and in this I think the House will agree with me—that we have heard quite enough upon the subject—but still as it is desirable, that we should, if possible, attach confidence in our decision, I think it only right that every one who may wish to speak should be allowed a fair hearing. I do not mean by this to express any opinion but merely to offer my advice; and although I am free to admit that it would be more convenient to come to a decision at once, I still think upon the whole we will best consult the general wish by allowing all parties fair play.

Lord John Russell was not disposed to interrupt fair discussion. He did state, on the preceding night, that if there were several Members to address the House, it would be better to hear them before they came to a decision, and not a single Member rose at that time. He really thought that when a decision of that House had been declared, and with such a majority, they ought to determine upon going on that evening. As to the observation that had been made of great numbers being

absent, it should be observed that it was in consequence of their attendance on four nights' debate, and that after the decision, and the lengthened debate, their absence was owing to so many having paired off. He must say that the proposition which had been advanced of still continuing the debate, and adjourning it to another night, was not altogether a reasonable proposition. Having said this, he certainly, at the same time, would say that though he did not think the proposition was reasonable yet he was not disposed to throw any obstacle, in the way of affording to hon. Gentlemen the opportunity of delivering their sentiments. He did not certainly know the reason why these Gentlemen had not taken advantage of the opportunity that had been afforded to them. Certainly, if it was their impression—if it was the impression on the part of those Gentlemen that they should speak on the Resolution, and that the opportunity should be afforded to them on another evening, he would not oppose it if it were the understanding that at an early hour on Monday night the debate should be proceeded with.

Colonel Sibthorp felt it his duty to persist in his Motion.

Lord John Russell hoped the hon. Member would re-consider his determination.

The question was put.

Mr. Borthwick explained, that his object in moving the adjournment was to afford junior Members, of his standing, an opportunity of being heard, an opportunity which he himself had been unable to obtain yesternight. ["Adjourn!"]

Colonel Sibthorp said, that as the hon. Gentleman was not heard, he felt it his duty to persevere in the Motion he had already made. ["Adjourn, adjourn!"]

Mr. Spring Rice intreated the Committee to remember, if they were about to divide, that the proposition of the hon. Gentleman would have the effect of getting rid of the Question altogether, and of closing the subject.

Colonel Sibthorp: I can assure the right hon. Gentleman opposite, that whatever construction he may take the liberty—I repeat it—may take the liberty—and I think it is a very great liberty to put any construction on my Motion—I shall leave him to maintain his opinion; and following his example of taking liberties, shall take the liberty of entertaining mine.

I shall, therefore, persevere in the Motion I have made.

Mr. *Spring Rice* wished to state, with all possible good humour, that he would be the last man to put a misconstruction on a Motion coming from the hon. Member for Lincoln. He had given no interpretation of it—he had merely called the attention of the House to the fact, that if the Chairman left the Chair on the present motion, the proceedings were at end.

Mr. *O'Dwyer* appealed to the Chairman's Parliamentary experience, whether the House of Commons had ever adjourned on the sole ground that some few Gentlemen were unable or unwilling to attend. The truth was, that the greater part of the House were perfectly satisfied with the decision of last night. It put the matter beyond dispute, and he could easily understand that Gentlemen who wished to guard themselves against the charge of offering a vexatious opposition to the well-ascertained feelings of the House of Commons, would infinitely prefer staying away to coming down and dividing the House on every occasion of that kind.

The *Chancellor of the Exchequer* would leave it to the candour of the hon. Member whether, after what he had then said, he should not vote with him for the adjournment. The hon. Member asked, if he (the Chancellor of the Exchequer) had ever known an instance, where a debate had been protracted to four nights, in which a debate was adjourned in consequence of a wish expressed by Members to deliver their opinions. [Mr. *O'Dwyer*: After the majority had been fully ascertained.] There was a Motion brought forward last year for the Repeal of the Legislative Union, in which the number on the one side was 43; and on the other side 400, odd (he forgot the exact number); but it was in consequence of the wish of that small minority to deliver their sentiments, that the House consented again to adjourn the Motion. In that case he believed, too, that the majority was pretty well ascertained when the Motion was agreed to. After this instance, he hoped that the hon. Gentleman would justify the confidence he had in him, by voting for the Motion of adjournment.

Mr. *O'Dwyer* begged to ask the right hon. Baronet, if, after the majority in that case had been ascertained, there was a renewed debate.

Lord *John Russell* was understood to

say, that if the right hon. Baronet would agree to permit the debate to be resumed before the Orders of the Day were taken on Monday, he would not any longer oppose the adjournment.

The *Chancellor of the Exchequer* reminded the noble Lord, that he (the Chancellor of the Exchequer) had said, at the commencement of the evening, that he hoped the debate would close to-night, and as far as he was personally concerned, he should be satisfied if it were so. Although he thought that the postponement of the Orders of the Day fixed for Monday, might be attended with public inconvenience, he had no objection to acquiesce in the proposal of the noble Lord.

The House resumed, the Chairman reported progress, and the Committee to sit again on Monday.

HOUSE OF LORDS,

Monday, April 6, 1835.

MINUTES.] Bill. Read a second time:—On the Motion of the Earl of *MULGRAVE*, Bribery Witnesses' Indemnity. Petitions presented. By Lord *BROUGHAM*, from eight Places, for Alterations in the Factories' Regulation Act; from Yorkshire, for a Modification of the Beer-Laws; from Bridgetown, for an Alteration of the Laws relating to Imprisonment for Debt; from Ardkir, against Tithes in Ireland.—By the same, and Viscount *MELBOURNE*, from several Congregations in Edinburgh, Glasgow, &c.—against any farther Grant of Money for Building Additional Churches in Scotland.—By the Earl of *CARNARVON*, from the Parishioners of Blagdon, for an Inquiry into the Sequestration of their Rectory.—By the Earl of *RIPON*, from Landed Proprietors in Canada, against any Alteration in the Constitution of that Colony.—By the Earl of *ROSEBURY*, from Irvine, against, and by the Duke of *RICHMOND*, from the same Place, in favour of Separating that Parish into Districts, or uniting part of it with the Neighbouring Parish of Dundonald.—By the Dukes of *GORDON*, *ARGYLE*, and *RICHMOND*, the Earl of *RIPON*, and Viscount *MELVILLE*, from a Number of Places,—for Additional Accommodation in Scotch Churches.

CHURCHES OF SCOTLAND AND ENGLAND.] Viscount *Melbourne* presented a Petition from the Inhabitants of Glasgow, declaring themselves opposed to the endowing of new Churches. The Petition stated that, taking into consideration all the Churches and Chapels in the place, there was at present ample accommodation. The petition was agreed to at a public meeting, and was signed by the Provost of Glasgow on behalf of the meeting. The meeting had been called by an advertisement that was signed by 340 persons, among whom were some of the principal merchants in Glasgow. The Provost was supported by several of the principal Ma-

gistrates of the city, and out of between 700 and 800 persons who were present, not more than fourteen or fifteen persons dissented from it. The noble Viscount also presented a petition, on the same subject, from the seceding congregation of Old Cross-street, Paisley. This latter petition contained some strong language respecting the Church, and urged the abolition of the Establishment. On this point he did not agree with the petitioners, though he felt bound in duty to present their petition. The petitioners stated that there was ample room for the accommodation of persons who were desirous of going to Church. He expressed himself opposed to the building of new Churches, unless absolutely required by the people. The noble Viscount also presented similar petitions from Auchtenmuchty, from Kirkwall, and from St. Andrew's.

Petitions laid on the Table.

The Earl of *Carnarvon* presented a petition from a curate, who complained that for some time past he had received no stipend. A sequestration had, some time ago, been issued against the profits of the rectory, and while that sequestration was in force, the petitioner was duly paid his stipend, but when it was set aside, no further stipend was paid. There was no blame whatever imputable to the Bishop of the diocese; it was the fault of the law that left the curate without a stipend; he hoped that the subject would receive the attention of the Ecclesiastical Commissioners. There certainly was something in the law that required to be altered, for there was one instance where a man had paid tithes twice over. He believed that the administration of Church matters in the hands of the Prelates, was as pure and as unimpeachable as any administration whatever.

The Bishop of *Bath and Wells* thanked the noble Earl for the fair and candid manner in which he had stated this case. Of the incumbent he should say nothing, for he could not say anything favourable. It was not in his power to do anything to relieve the curate; nor had it been in his power to enforce a payment of the stipend. He had made every sort of inquiry, and he believed that the incumbent had kept out of the way that he might not be laid hold of. He hoped that the law would be altered. He had done all that he could, but he could not go beyond the law.

Lord *Brougham* presented a petition

from Eastwood against the increase of Churches. He said that Eastwood had been mentioned by the Church Assembly as one of the places where a new Church was wanted, and the fact that this petition came from this place, proved that the example had been improperly quoted on the other side; for the petitioners stated that there was already ample accommodation.

Lord *Kenyon* said, that the fact of an objection made by a parish, was no proof that such accommodation was not wanted in it, for when the Church Building Commission was sitting, objections were made by some of the most populous parishes. One of these was the parish of Shoreditch. The objection, however, was not that there was not a want of accommodation, but that they did not wish to pay anything, and were, in fact, in support of the measure, or against it, according as they were friendly or unfriendly to the Church.

Lord *Brougham* said, that that might sometimes be so, but that even that was not conclusive against the present petition, for this petition was signed by the majority of the Churchmen of the place. The petitioners objected to the use of public money, which was raised from all persons whatever, and which was to be expended in building Churches, which were to be beneficial only to a part of them.

Lord *Kenyon* said, that they might be called Churchmen, but he believed persons were often called so merely because they did not belong to any other sect. He did not think that they were really much attached to the Church.

Lord *Brougham* said, that the observation reminded him of what he had told the noble Baron the other day, with reference to an observation of a similar kind, namely, that if it was not persecution, it did not look much like tolerance. The noble Baron was very sincere in his opinions, but it did not follow, because a man was sincere in his opinion, that, therefore, his opinion was the right one.

The Bishop of *London* wished to add, to what the noble Baron had said, one fact—that the Commissioners for building Churches, notwithstanding the objections made to them, as in the case referred to, did advance money for the building of new Churches, and that those Churches, from that time to the present, had been well filled. He should not quote an opinion of an English Bishop on this subject, but he should refer to that of an eminent

Scotch divine, namely, Dr. Chalmers, who had said that it was precisely because some people did not care to go to the labour and expense of increasing the accommodation in Churches, that the public ought to come forward for the purpose, for that the Church was the means of religiously educating, or, as Dr. Chalmers said, of christianizing the people; and it was the duty of the public to take care that ample means were afforded to produce that effect. He himself had no hesitation in saying, that whatever might be the remonstrances from some part of the people in Scotland, the rest of them were highly in favour of the recommendation which was contained in one part of his Most Gracious Majesty's Speech.

Lord *Brougham* said, that Eastwood was an instance that even one of the places especially selected by the Church Assembly, was not desirous of having any new Churches built, and that there was not any necessity for such an outlay of the public money. He was disposed to differ from the authority of Dr. Chalmers on the subject, and for this reason, that Dr. Chalmers was one of a small number of the Ecclesiastical body in Scotland who repined at the smallness of the endowments of the Scotch Church, and who, he should not say they envied, but that they looked with affection on the much larger endowments of the Anglican Church. Dr. Chalmers held opinions of that sort, but, happily, was in a decided minority of his Ecclesiastical brethren of Scotland.

The Bishop of *Exeter* wished to make one remark upon what had just fallen from the noble and learned Lord respecting Dr. Chalmers. That very learned and reverend Divine entertained the opinion just referred to, because he thought that the opulent endowment of the English Church, afforded the means of leisure, and thus gave a means of extending learning; and he said that that was highly beneficial, not only to the English Church, but to the Scotch Church, for that the Church of Scotland, as it were, lived upon the overflowings of the learning of the Church of England, as the opulence and station of the chief members of the Church of England enabled them to devote themselves so much to the cultivation of theological learning.

Lord *Brougham* presented another petition, and then said, that he protested

against the doctrine attributed to Dr. Chalmers, that the Scotch Church lived upon the superfluity of the learning of the Church of England. This was, indeed, a most fantastical theory. The fancy that the great endowments of the English Church made it have the effect of making the English Church so much more learned than the Scotch Church, was a great error, flowing from the very great admiration which Dr. Chalmers had of the more wealthy endowments of the English Church. That it was an error, no one could doubt who would look back through the two last centuries, where they would see quite as many eminent men—men of general celebrity—men whose names were celebrated throughout Europe for their learning—quite as many in the Scotch Church, in proportion to the number of its ministers, as in the more richly-endowed English Church.

Petitions laid on the Table.

THE MINISTRY.] Lord *Ward* rose and said: For the first time, and perhaps for the last, I now address your Lordships. I beg to know from his Majesty's Ministers whether they have advised an hon. Friend of mine, the member for Dudley, to present an address, from that place, to his Majesty, in favour of his Majesty's present Ministry? Am I to infer from the silence of the noble Lords opposite, that such is the case—that the hon. Member for Dudley has presented such an address to his Majesty? because, if he has, I feel myself called on to say that it is not founded in fact—that that address was got up at a hole-and-corner meeting—that it did not express the opinions of the people of the town of Dudley—that his Majesty has been deceived and cajoled by the Chancellor of the Exchequer and the First Lord of the Treasury; and I think it high time that his Majesty's confidence should be disabused, and that he should be informed that such are not the sentiments of my hon. Friend's constituents.

The *Duke of Wellington*: I understand that the noble Lord has inquired if any Members of his Majesty's Government, in this House, have advised the presentation to his Majesty of an address from the town of Dudley, in favour of his Majesty's present Ministers. In reply, I beg to assure the noble Lord, that I have no knowledge whatsoever of any such address.

Subject dropped.

HOUSE OF COMMONS,

Monday, April 6, 1835.

MINUTES.] Bills. Read a first time:—Courts of Equity; Contempts (Ireland); Infants' Property (Ireland); Wood Duties.

Petitions presented. By Viscount MORPETH, Sir OSWALD MOSLEY, and Sir FREDERICK TRENCH, from three Places, for the Repeal of the Duty on Spirit Licences.—By Mr. WILKS, from the Dissenters of Frome, Selwood, for Redress of their Grievances.—By Mr. CAYLEY, from the Agriculturists of Richmond, York; and by Mr. WILLIAM DUNCOMBE, from three Places,—for Relief.—By Viscount MORPETH, from Factories in Rawden, for the Repeal, or Alteration of the Factories' Regulation Act.—By Sir S. WHALLEY, from the Parish of Marylebone, for the Remission of the Sentence on the Dorchester Labourers.—By Mr. ROEBUCK, from the Dissenters of Liverpool, and Frome, Selwood, for Relief from their Grievances.—By Sir SAMUEL WHALLEY, from the Parish of Marylebone, for Reform of Church Abuses.—By Mr. ROEBUCK, from Kettering, for the Alteration of the Poor-Law Amendment Act.—By Mr. MACKINNON, from the Inhabitants of London and Westminster, for the Better Regulation of Cabriolets and Omnibuses.—By Messrs. ROEBUCK, W. E. GLADSTONE, and another HON. MEMBER, from several Places,—for Amending the Weights' and Measures' Act.—By Messrs. ROEBUCK, EWART, CLAY, O'DWYER, and E. J. CAYLEY, from a Number of Places, against the Imprisonment for Debt Bill.—By Sir M. S. STEWART and Mr. MURRAY, from the Handloom Weavers of several Places,—for a Board of Trade and for Relief.—By Captain WEMYSS, from several Places, against any Grant for Building Additional Churches in Scotland.

BRIBERY AND INTIMIDATION AT ELECTIONS.] Mr. Roebuck presented a Petition from a parish in the city of Bristol, complaining of bribery and corruption, and in favour of the ballot. The hon. Member moved that the petition be referred to the Intimidation Committee.

Sir Richard Vyvyan said, that as there was nothing special in the petition, he had no objection to its being referred to the Intimidation Committee. He had understood, however, from the hon. Member, that he had got a petition from Bristol with something in the way of specific allegations in it. Perhaps the hon. Member would present it now?

Mr. Roebuck would do so with great pleasure. It was a petition from inhabitants of the city of Bristol, complaining that great corruption and intimidation had been practised by certain persons at the last election for that city. It also stated that a society called "The Mechanics' Conservative Society" had been established there, and that the mechanics who became members of it had good meat and provisions sent to them for nothing. Of course the object of this society was to "conserve" the mechanics of Bristol, and to procure their services at future elections.

VOL. XXVII. {Third Series}

The petitioners complained that the measures adopted by this society amounted to nothing less than bribery and corruption, under the guise of charity. The hon. Member moved that the petition be referred to the Bribery Committee.

Sir Richard Vyvyan said, that what was stated in the petition with regard to the formation of the society in question was incorrect. That association was formed in 1831, immediately after the riots. It was called "The Mechanics' Operative Society." [Mr. Roebuck, "Mechanics' Conservative Society."] Well, "Conservative," if you please. He begged to assure the hon. Gentleman and the House, that at the last election for Bristol there was not a shadow of ground for saying that any bribery had been exercised. If there had been any, why was there not a petition against his return or that of his hon. colleague? There was no such petition at present, though a petition had been presented against him on a former occasion. He perceived, on reading the petition, that the petitioners complained that the members of this society received 14lbs. of prime ox beef, and three quartern loaves each. But surely this afforded no ground for saying that bribery and corruption were practised at the Bristol election. He believed it was the practice every year in Bristol, to give out those provisions to the members of this society, and that it had nothing whatever to do with election affairs. He had no objection to the petition being referred to the Bribery Committee.

Colonel Evans said, that he might as well take this opportunity to call the notice of the House to subscriptions which were being raised in the city of Westminster for the same purpose, namely, the corruption of the electors. He had seen in the public prints advertisements calling for such subscriptions, and in which advertisements it was modestly stated, that the object was to send members to Parliament for Westminster, which the advertisers were pleased to say had hitherto been unrepresented. The advertisement also stated that a Westminster Conservative Society had been formed for the purpose, and it specified several noblemen and gentlemen who had subscribed to it. Why should noblemen thus ostentatiously interfere with the freedom of election? He thought that if there was any Member of the Bribery and Intimidation Committee

present, they should look into this matter, and he trusted that they would call before them some persons from the city of Westminster to give evidence as to the effects of bribery and intimidation at the last election for Westminster. ["*Oh!*"] What did the hon. Member for Dover mean by crying "*Oh?*" Did he know any thing of the matter? His exclamation "*Oh!*" was no argument. He could aver positively that intimidation, the worst species of corruption, had been practised at the last election for Westminster.

Mr. *Henry Bulwer* said, that such acts of intimidation had not been confined to Westminster. They had also been resorted to in Marylebone. He would put it to the House whether it was in accordance with the constitution of the country, and more especially with the constitution of that House, that noblemen should take an open and active part with respect to the return of Members to Parliament. To him it appeared that such practices were highly unconstitutional, and called for the interference of the House to protect its rights and privileges.

Mr. *Fector* said, that he for one would wish that there was more of proper influence used at elections. What he considered far worse than any thing hon. Gentlemen could state was the *bond fide* intimidation of broken heads, violence, and outrage, too often resorted to by their supporters. If every species of intimidation at elections were put an end to, the gain would be on that (the Ministerial) and the loss on the other (the Opposition) side of the House. It appeared to him a great inconvenience that the public business should be impeded, and the time of the House taken up with these discussions on petitions. Had the Bristol election any thing to do with the election for Westminster?

Mr. *Dottin* said that gentlemen on the other side should not forget the dinners that were given to promote Reform and the election of Reformers. He recollected many large dinners given for such purposes, and he was certain that many persons subscribed to them who did not go to them. In fact, they were given to promote the Reform Bill.

Mr. *Roebuck* said, that the hon. Baronet (the Member for Bristol) had said that no bribery had been practised at the Bristol election, and he appealed in proof to the fact that no petition had been preferred against his return, though there had been

one after the former election. Now that argument, if good for any thing, would go to prove that there had been bribery at the former election. Such, indeed, would be the legitimate conclusion to which it tended. With regard to what had fallen from the hon. Member for Southampton, he begged to say, that the persons invited to those dinners in Bristol went there without paying any thing, and that they were obliged to subscribe a Conservative creed before they were admitted to the Conservative banquet. Had there been any Reform dinners given on such terms? He was surprised to hear the hon. Member for Dover say that the time of the House was lost in these endeavours to purge and purify the system of election.

The petition was referred to the Bribery Committee.

CANADA.—THE COMMISSION.] Mr. *Roebuck* rose to put a question to the right hon. Baronet on the subject of the intended mediation. It had been promised when the question was brought forward by him, that a person should be sent out on the part of our Government as mediator between this country and Canada, whose character should be altogether free from all bias, affection, or partiality. Since then an appointment had been made in his opinion, not conformable with that pledge. Lord Amherst had been named as mediator. Now the Right Hon. Baronet did not, perhaps, know that this Nobleman was connected by marriage (being brother-in-law) with Mr. Haile, who was principal of a party in the colony, against which many of the complaints of the colonists were levelled.

The *Chancellor of the Exchequer* confessed he had never before heard of this connexion; remote as it was, he could not for a moment anticipate it would produce a prejudice in the minds of a liberal population, such as the Canadians, against a Nobleman of so much talent, and who had filled so high a situation as the Governor-Generalship of India.—He appreciated justly the character of the people of Canada, and believed they would be above any such groundless and unworthy prejudice.

Mr. *Roebuck* said, he entertained no such prejudice himself. He was, however, apprehensive the appointment of a relative of Mr. Haile might be productive of considerable discontent in the colony.

The *Chancellor of the Exchequer* thought it impossible any such slight connexion as that alluded to could influence the conduct of the Canadians in this dispute. He entertained too high a respect for them ever to conceive it possible they should harbour suspicions of the impartiality of the noble Lord appointed on that very delicate and important mission.

Subject dropped.

SPAIN.—DON CARLOS.] Mr. *Thomas Duncombe* wished to be informed whether the mission of Lord Eliot to Spain was at all connected with any intention to support the pretensions of Don Carlos to the Spanish Crown.

Lord *Mahon* said it was true that Lord Eliot had been sent out to Spain and it was for objects he would with great satisfaction explain. This Government had witnessed with deep concern the nature of the civil war now raging in Spain, and thought fit to send out Lord Eliot, charged particularly to attempt by all means to put an end to the carnage attendant on this war, by means of the massacre of prisoners, the execution of suspected persons, the burning of villages, and other frightful violences committed in the course of the conflict—The mission had nothing to do with placing Don Carlos on the Spanish throne, for Lord Eliot had not been sent out there but with the full approbation of the Ministers of Spain and the King of the French.

The House resolved itself into a Committee.

CHURCH OF IRELAND.—COMMITTEE.] Lord *J. Russell* moved the Order of the Day for the House again to resolve itself into a Committee upon his Resolution regarding the Established Church of Ireland.

The *Chancellor of the Exchequer*: It is my intention to adhere strictly to the engagement I entered into with the Noble Lord, by throwing no impediment in the way of proceeding with this debate; but, at the same time, it is my duty to bring before the House our position with respect to the Navy Estimates and the Mutiny Bill. Instead of making any speech about the Navy Estimates, I will merely read a part of a letter addressed this day to the Board of Admiralty by Mr. Briggs, who holds a situation connected with that department:—"The day of payment of wages (says this gentleman) is Friday next, when they become due, for which no sup-

plies have yet been voted." Thus the House would see that the matter was extremely pressing; and, with respect to other votes of equal importance, the Admiralty has been already put to difficulty. Then, with respect to the Mutiny Bill, I presume that the House contemplates a recess, and we are now at the 6th of April. It will be very inconvenient if the Bill does not pass before the 15th of April; but I only make this statement to shew, that it is necessary to proceed with these measures to-night. I hope, therefore, that the House will feel no objection to concede such a sum for the Navy Estimates as is absolutely necessary, and to advance the progress of the Mutiny Bill.

Lord *John Russell*: As far as I am concerned, I can only say that I shall not resist the course which the Right Hon. Baronet proposes to follow with respect to the Navy Estimates and the Mutiny Bill. I, however, beg to be understood to pledge myself no farther. Before the House resolve itself into the Committee on the Irish Church, it may be expedient for me to state the course I mean, with the concurrence of the House, to pursue. I did not wish, on Friday last, to be led into any premature declaration, which had not been duly considered. After what was said by the Right Hon. Baronet on Thursday night—after the vote then adopted by so considerable a majority—a majority, including those who paired off, of the whole House of Commons—I will not enter into the question of the manner in which we may hereafter be met; but merely say, that after mature reflection, the course I propose to take will be this:—Supposing the House should agree to-night, in Committee, to the resolution I have proposed, I shall suggest that it be reported to-morrow; if the House should further agree to that report I shall follow it up by a resolution, of which I cannot now give regular notice, but which I will take the liberty of reading:—"That it is the opinion of this House that no measure upon the subject of tithes in Ireland can lead to a final and satisfactory adjustment which does not embody the principle conveyed in the foregoing resolution." If at the conclusion of the debate it shall appear that this resolution is not satisfactory to a majority of the House, I shall then proceed, as I before gave notice that I should proceed, by moving, on the succeeding day, an address to the Crown. I shall not, however, move

any address to the Crown until I have moved and failed in the resolution I have just read.

The House then went into a Committee.

Mr. *Borthwick* said he would not follow the noble Lord who had moved the resolution through all the misty steps which he had taken, from the history of the first Edward through the reign of Elizabeth, down to the commencement of the present century, because, whatever grievances might in those years have been inflicted upon Ireland, and however favourable the subject was for declamation, he did not feel that any legitimate inference could be drawn from any one of those circumstances to the argument then before the House. The noble Lord had said in his speech that he hoped the time had arrived when the House would legislate in a better spirit than it had done hitherto. No longer ought they to give to the repeatedly enforced complaints of a few what belonged as a right to the people on abstract principles of legislation. If the demands made by the Roman Catholics of Ireland were just, concession ought to be made on the grounds of right and justice, and not on the ground of a compact with the preceding government. Much talk there had been of the Serbonian bog in which the noble Lord opposite had so devotedly plunged; and Burke had been quoted to show that he considered the property of the Church at the disposal of the State. When hon. Gentlemen quoted he would wish them for the future to do it more correctly. The following was the passage from the "Reflections on the Revolution in France," from which it was attempted to establish the principle of the noble Lord:—"From the united consideration of religion and constitutional policy, from their opinion of a duty to make a sure provision for the consolation of the feeble and the instruction of the ignorant, they have incorporated and identified the estate of the Church with the mass of private property, of which the State is not proprietor, either for use or dominion, but the guardian only and the regulator." And this property, which was here laid down to be not for use or dominion, but of which the State was only the guardian and the regulator, it was now argued might be applied to the purposes of the State. A quotation made from Blackstone had been equally infelicitous. Quoting from that high authority, it had been said the Church was the child of the

law, and, being the child of the law, it was argued that the law might do that which seemed to the law good. A most unnatural and strange conclusion he considered this to be. Thus, because a child owed to a father the privilege of existence, on these grounds he might despoil him of his property and deprive him of his life. The noble Member for Northumberland had said that there were many things which might be taught equally well by Protestants to Catholics, and by Catholics to Protestants; but he was of opinion that education must always proceed in connexion with religion. He entertained feelings of the greatest charity toward the Catholic Church, but he would not trust even the wisest of its Clergy to educate Protestant children. The hon. and learned Member for the Tower Hamlets had said the Protestant Church caused most of the misery in Ireland. He gave the hon. and learned Member full credit for the assertion that accompanied that declaration—that he was a sound Protestant, and that he believed it was the purest and most efficient form for national instruction that could be devised. But his argument was, that the Roman Catholics formed the majority, and the Protestants the minority; and therefore it could not but follow that the majority, contributing to support a religion in which they did not believe, were contracting prejudices against that religion. Other hon. Members had asserted that the cause of the animosity which existed between the Protestants and Roman Catholics was because the latter associated with the Protestant Establishment those acts of tyranny and those scenes of bloodshed on which hon. Members had been so needlessly eloquent. He repeated needlessly, because it inferred that the hon. Members on his (Mr. Borthwick's) side of the House were less desirous of applying remedies to these abuses than those on the other side. The hon. and learned Member for Dublin had asked the House to give the people of Ireland appropriation in the name of justice; there might be no surplus, but give them the name. He would not give the people of Ireland an empty abstraction when they sought for bread, or an apple of discord when they asked for peace. The system proposed to be adopted was monstrous, however they might disguise it by calling it a general form of education on the principles of Christianity. It was a scheme of the Utilitarians, and some new

term would doubtless be found in their vocabulary significant enough to describe it. But the whole of the argument was based on the presumption that there would be a surplus, and, if there were, that it should be given to support the moral and religious education of the people of Ireland. And the patriots of Ireland wished this most notable piece of legislation, that they might use it as a wedge. And for what purpose was this wedge to be used? Why for unseating the present Ministers, for whom they had little liking, because they perceived that the people of Great Britain had for them a great liking. The Question was one both of measures and men—whether the measures proposed by his Majesty's Ministers were for the good of the country, and whether they were men disposed and able to carry them into effect? Were he disposed to enter on the subject he was prepared to prove that the country had very good reason to be very well satisfied with the present prospect of affairs. The country did not want words but actions; the term Reform was nothing to it, but the thing Reform was; the phrase good government was nothing, but thing good government was something—that which the country had a right to look for. He could, if he were to go at large into the subject, show that the measure proposed within the last four years, under the name of Reform, was not at all equal to those brought in by his Majesty's present Government. The hon. and learned Member for Dublin had said, in his speech on a former night, that there never had been an adulterous connexion between the Church of Rome and the State. He would venture to ask the hon. and learned gentleman was not a connexion between the Church and State the very essence of the Romish faith? Was not her Pontiff a Sovereign, and were not her Bishops Princes? He wondered much how any hon. Member could attempt to repudiate the connexion. The union between Church and State was, in his opinion, essential to the integrity of both, but especially the latter. They might, he was aware, be distinct, but in this country the history of the period anterior to 1688 would have to be repeated. England had not forgotten what she had suffered by concession to liberality—a liberality which once encouraged never ceased in its march until it stopped at Whitehall to witness the death of Charles the First. At that fatal

time and on that melancholy occasion there was not wanting one of that infamous order of the priesthood who lifted up his voice in mock imitation of the sacred welcome given to the Saviour on the cross when the blood of the martyr King was shed on the scaffold. If he was told that the course of liberality was not that which led to the murder of the King, he would ask those who told him so to go over with him the history of the rebellion. There they would find an exact parallel between the present and those disastrous times. There they would find men acting in the same manner, only bolder and more openly—men who did not substitute one shadowy changing resolution for another night after night—men who had no cowardly shrinking from their professed principles—no crouching under false colours to attain their object. If there were any difference between the two periods to be found it was in favour of the earlier, for there were individuals among the actors in that epoch who were not only of a bold heroism, but of a dazzling talent, men whose private history did honour to human nature. That there should be no union between Church and State, between religion and politics, were plausible words with but little real meaning as the history of the period just referred to sufficed to prove. They were words calculated to catch the “general” ear, but a single sentence of truth would dispel the delusion. Was there aught in straight-forward politics which rendered their union with religion incompatible, or should religion be ashamed to look politics in the face? In his opinion, when religion formed no part of politics it might be looked for in vain in the land. The noble Lord, the Member for North Lancashire, and the right hon. Baronet, the Member for Cumberland, had exhausted all that could be said on the question in reference to religion—all that had been said besides was but a protraction of the debate and a waste of time. The Question before the House was twofold. First, that the resolution of the noble Lord contained a great benefit for Ireland; and, secondly, that it was intended to drive Ministers from their places. What had been hitherto held up before the eyes of his Majesty's Ministers was an unsubstantial, shadowy threat, assuming various forms as the exigencies of the case required, until the right hon. Baronet, the Chancellor of the Exchequer, had compelled the opponents of his Government to explain that it meant

at last an address to his Majesty. An address to carry what? He wished the noble Lord, the Member for Devonshire, were in the House to explain. Was it the object of the address to tell his Majesty that his exercise of his undoubted prerogative in selecting the Ministers of the Crown was not justifiable? or was it to be, like the message of Jack Cade to another English potentate:—"We are content you should reign so long as you give us an unconstitutional power over the exercise of your prerogative?" In a few days the country would make them hear from all parts its indignation at their course of proceeding—which was absurd, and unworthy of the wisdom of that House and the dignity of the British people. The Government were not to be allowed to carry the Irish Tithe Bill unless they asserted the great principle of appropriation. If the principle were a great one why did the Opposition not assert it before they introduced the Irish Tithe Bill of last session? If it were a principle it could not fluctuate. Why then, in the name of justice, if it were of such importance, did they delay its assertion until the present time? Why, if it were not for the purposes of faction. He would define faction. Faction was a union of persons for the purpose of carrying a measure or measures which had party and not patriotism for their objects. Why did the opposite faction—he used the words advisedly, in a political sense solely, and without intention of retracting them—why did the opposite faction wait for the present time to assert a principle which they termed a great principle, and let pass the time and opportunity when they had the power, if they had the will, of effectually doing so? One of the greatest objections which could arise to the measure of the noble Lord, the Member for Devonshire was, that it would be a fertile means of introducing a spirit of proselytism into Ireland. The moral good derivable at present from the efforts of both Churches, Catholic and Protestant, would be thus neutralised, if not totally destroyed. It would be an apple of discord between the people of both persuasions. The hon. Member concluded by opposing the motion before the Committee as factious, and not calculated to answer the object which it pretended to have in view.

Mr. *John Maxwell* said, that in rising to address a few words to the House, he begged to state that the reasons which had

led him to withhold his vote were his vote last session against the motion of the hon. Member for St. Alban's and for a Commission of Inquiry, and the subject being one upon which he could not pretend to state the sentiments of his constituents. He looked also to the unfortunate clergy, whose misfortunes might be aggravated by the premature assertion of a principle—the union of appropriation to tithe commutation—the great object for which all classes of the community were most anxious, and which they would lament the delay and loss of for any principle whatever. He regretted that this Question had been made a party one extremely. He did think all classes of religious persons might have been brought to unite in some measure which would bring this tithe property to some useful assistance in Christianizing a population whose acts were too often in violation of every sentiment and moral practice emanating from that faith. If they could not make them Protestants, let them render them Christians. Christianity was the end for which this trust fund was intended. If they could not get them to adopt it in its reformed and purest forms, let them at least give them the means of having some faith and some religious practice flowing from it, more creditable to the state and the Irish—that the vital unchristianity which now disfigured their faith—(that form of faith which disgusted the people, and the poorest and most in need of state provision, and rendered it useless to them), might be changed. Let it be changed, not by party violence, but by absence of party spirit and presence of feeling for Ireland, and anxiety for promoting piety and knowledge in the form and by the guidance of Christian doctrines. He agreed that the terms and object of the noble Lord who had brought forward this proposition made a tolerably good resolution; at the same time Christianity was unnoticed in it, and however they might differ as to exclusive Protestantism, they all agreed, he hoped, in the necessity of adhering to the Christian employment of a Christian trust fund, and he was sure the addition of that word would be likely to give it more success, the omission of it less, if not little prospect of successful legislation in the united Parliament.

Mr. *Baring Wall* was grateful as there were no surplus funds, that it was not necessary to raise a religious cry in Ireland; neither was the House called on to pander

to the worst feelings in that country, and it was easy, therefore, to get rid of the difficulty, and leave the question of surplus to posterity. He could not but observe that in all Irish debates, from whatever side of the House they originated, it seemed invariably to be forgotten that any other party existed in the country save themselves.

He much regretted that the moderate party was so little represented in this House, because if he felt satisfied that the civilization of Ireland, which had hitherto been so much impeded, would completely flourish under the influence of moderate counsels, for this party so little represented the House was called upon to act, and he felt satisfied, though he was no advocate for the members of the sacred profession mixing themselves up in the common politics of the country, that if some of the Irish Protestant clergy could be heard at the bar, or from seats in that House, they would well be able to maintain those rights and claims which the noble Lord's resolution went to infringe. With as much moderation as talent, they would secure to themselves numerous friends and supporters. He asked the House to pause, and to consider whether or not this resolution would lead to a final and satisfactory settlement of the Question. In his judgment, it would be far from leading to any such result. The only two ways by which a satisfactory settlement could be arrived at was, either by recognizing the Protestant Church, and connecting the Roman Catholic and Presbyterian Churches with the State, or by allowing the religion of the majority to have sway. Although he did not wish now to pledge himself to any measure not at present before the House, he would not hesitate fearlessly to say, that the matter could only be set at rest, and peace and tranquillity in Ireland established on a permanent footing, by connecting with the State the Catholic and Presbyterian Clergy of Ireland; at the same time he could not for a moment acquiesce in any proposition which should have the effect of diminishing the efficacy and efficiency of the Protestant Establishment. That Establishment had been charged as a proselytizing Church; he denied that such was the fact, and to it, therefore, on this occasion he should give his support. He objected to this motion both as regarded the time and the spirit in which it was brought forward, and further he objected on the ground of the want of

sufficient information. He contended that it was not a fitting time to entertain and discuss so important a question when so much of party feeling prevailed. He, however, trusted that the right hon. Baronet below him (Sir Robert Peel) would turn his attention to the important consideration of some provision by the State for the Irish Roman Catholic Clergy, and to the relations in which the Protestants and Catholics of that country stood, for he was satisfied that peace and tranquillity would never be secured in Ireland until some provision in this respect was made.

Mr. *Lucas* as the representative of a county in Ireland which was peculiarly Protestant, hoped he might be permitted to offer one or two observations. In his opinion the surplus revenues of the Protestant Church, if any, should be first applied to strictly Protestant purposes, such as the repairs of Churches and the building of glebe-houses, and, next, to the education of the Protestant population. If, after this, a further surplus should remain, instead of a general indiscriminate system of education, the members of the Presbyterian Church of Scotland should be considered, and the education of that class of the Irish community should be provided for, instead of the funds being applied to Roman Catholic purposes, even those of education. The remaining surplus ought then to be devoted to the repayment of the 1,000,000*l.* loan so liberally advanced by the British Legislature to the suffering Clergy of Ireland. He did not consider that the cause of morality and tranquillity would be served by keeping any class of the community in ignorance; but he contended, if any provision was to be made for the education of Roman Catholics, it ought to be provided by the State, or even by a tax on the land, but not certainly out of the revenues of the Protestant Church. In saying thus much he was only speaking the sentiments of a numerous portion of the county he had the honour to represent.

Mr. *Henry Lytton Bulwer* commenced by alluding to the observations of the hon. Member for the county of Lanark (Mr. John Maxwell), in reference to the fact, that a Commission of Inquiry having been issued, the returns from which might soon be expected to be laid on the Table of the House, it would be unfitting to come to a decision on this Question until that information was afforded. This objection had

already been answered the other night by the noble Lord, the Member for North Lancashire, who had said, that, even supposing the returns had been made showing a large surplus, yet as he did not suppose it was contemplated to do away with the interests of the existing incumbents, and as, therefore, such surplus could not be touched for at least thirty years, it signified nothing waiting for returns to deal with the principle of the proposition. Now, he believed every man was agreed that, ever since this country had a footing in Ireland, that country had been governed by tampering with the parties into which its population was divided. In short, there had been no difference in the principle of governing the majority by the minority. The first step towards equalization of rights was the passing of the Roman Catholic Relief Bill. That measure extended only to civil rights, and complete equality could in no way be established except by the adoption of such a Resolution as that which had been proposed by the noble Lord, the Member for Devonshire,—a Resolution which declared that, after providing for all the wants of the Protestant Established Church, the remaining revenues should be appropriated to the purposes of general education. He supported this proposition because he conceived it to be a fitting appendix to the Bill of Catholic Emancipation, and to complete an equality of religious rights as the last named measure had perfected the establishment of equality of civil rights. He would not, however, as a sincere Protestant, diminish, in the least degree, the strength of the Protestant religion in Ireland. It had been stated that the Establishment was not a Proselytizing Church. If so, he would inquire upon what ground the continuance to it of greater wealth than was sufficient for its wants could be justified? He was convinced that the country would not believe the present Ministers to be sincere reformers; his real opinion was, that if the right hon. Baronet opposite continued in office, he would not only have to satisfy the wishes, but the suspicions, of the great body of the community. Much had also been said of the character of the present Opposition, and the noble Lord, the Member for North Lancashire, in allusion to the parties composing that Opposition, had said, that out of them it was possible that two Administrations might be formed, but that it was

impossible to frame from it one Administration without a great compromise of opinion. What had been the conduct of the noble Lord himself? Had there been on his part no compromise of opinion when he gave his support to the Administration of Mr. Canning, who declared himself opposed to all reform? Again, had there been no compromise of opinion in the formation of the present Government? The Opposition had carried the Resolution on a former evening, by, he would admit, a small majority, and might not carry the present by a greater; but how was that? It was because there were many Members of the House who were disposed to support a Ministry because they were a Ministry, though they disagreed with them then on this Question, and who were willing to give almost any Administration credit for acting on fair principles. There was an instance of this kind of support in the case of a Mr. Hamet, in 1784. That gentleman stated, that he had a great regard for the Ministry which was then falling, but he had a great affection for that which was coming in. He had supported the late Government with all his power, and he would support that which was about to be formed. Something of the kind had been stated to him the other day by an hon. Friend. He said that there was nothing which he had regretted more than the retirement of Lord Melbourne, but that he was extremely glad to find the right hon. Baronet at the head of the Government; and the only thing he regretted was, that the hon. Member for London (Mr. Grote) did not form a part of it—a regret in which he had no doubt many Members opposite would not readily join. He had no confidence in the present Administration, and, therefore, he would support the Motion of the noble Lord.

Mr. *Francis Bruen*: Will the Committee favour me with its attention for a few moments? I never had the honour of addressing the House before. The subject is of the deepest importance to my country. I have resided in that country for an uninterrupted period of nearly twenty years, and for the few observations, which I shall feel it my duty to address to the Committee, may I hope for its courtesy and indulgence? Nothing has surprised me more in the course of of this debate than the conflicting accounts with regard to the real property of the Church of Ireland—the discrepancies

which prevail in the statements, even among official personages, who have been connected with the administration of Ireland. The House has resolved itself into a Committee of the whole House to consider the question of the Irish Church, particularly as to the appropriation of its revenues, and nobody seems to know what those revenues are. I apprehend that they have been greatly exaggerated, and that the statement of the noble Lord, the Member for North Lancashire, is correct, and that it is, after all, but a poor Church. Hon. Members seem to have forgotten—at least, it has not been noticed on either side of the House—that the parochial clergy of Ireland, at the time of the introduction of the Composition Bill by the right hon. Secretary of the Home Department, harassed by dissensions with their own flocks, and anxious to conciliate the Catholic tithe-payers, sacrificed in every instance one-half of their incomes. In the parish where I lived at the time the tithe was reckoned at about 1,500*l.* and the clergy compounded for 750*l.* In the neighbouring parish the tithe sometimes reached nearly 2,000*l.* and the rector compounded for 900*l.* In the parish adjoining that, the tithe was 1,400*l.* and the rector compounded for 700*l.*; and in the parish where I at present reside, which I and another Gentleman entirely possess, the average rent being 1*l.* or nearly so, the clergyman compounded for 1*s.* an acre, thus receiving not the tenth of the produce, but the twentieth of the rent. Now comes the Bill of the Secretary for Ireland, striking off twenty-five per cent, and if this be not sufficient depletion for the most plethoric establishment, sufficient to satisfy every political doctor on the other side of the House, not excepting the great Sangrado himself, (the hon. Member for Middlesex), I know not what is. But I would grant for argument sake, that it is a rich Church, and that a surplus could be spared, but I still contend most resolutely that every farthing of such surplus would be more than swallowed up by Protestant objects and Protestant wants. What funds are now wanting for the building of churches. In the parish where I lived the number of attendants at church were at first about 200 or 300; they increased to 600. A new church was called for and built, and both were completely filled. A similar instance took place in a neighbouring

parish, with similar results. In the parish where I at present attend Divine Worship, a few years ago there were but five or six Protestants, a new church was demanded, so bad was the state of the old one; funds were difficult to procure; but the new church has been built, and there is at present a congregation of 150, and subscriptions are about to be set on foot to erect a gallery, as there are no funds, the church not being able to contain those anxious to come. And near the borough of Carlow, which I have the honour to represent, within two miles of the town, the union having been divided, a house has at present been consecrated, as no church has as yet been built, and it already contains a congregation of fifty. But I would go further still, and granting that there were a surplus, even after effecting Protestant objects, I would ask the House, is it reasonable to hand over such surplus to the Catholic party for the moral, religious, and general education of the people of Ireland? Have not the national efforts been lately given in abundance to that party for that especial purpose? Have they not erected school-houses? But where have they placed them, in order to insure the attendance of children of all religious persuasions? Is it on neutral ground? No; but in their own chapel yards, thereby at once putting an insuperable bar to the system of national education, which was intended to be general, and without distinction of sect or party. But I have another strong ground upon which I object to this Resolution, because it will throw an impediment in the way of the Bill to be introduced by the right hon. Secretary for Ireland, which would effect, as he stated, I quote his own words, the abolition and extinction of tithes; that it would do so I am firmly convinced. You have the testimony of the noble Lord, the Member for North Lancashire, that the plan, when partially tried on his own property, Ireland, completely succeeded; and I have been favoured by a communication from the hon. Member for the University of Dublin, stating that he had received a letter from the agent of a noble Lord, which letter I read, in which the tenants are said to have come in without summons to repay the landlord the composition he had paid to the clergyman, stating that they considered it the most satisfactory method of settlement, and a great boon

for them. I can corroborate the statements, and also from my own experience. I have tried the experiment, and by this tithes on the greater part of my estate are virtually abolished. I come now to speak of the great principle of the measure. The right hon. Baronet, the Member for Nottingham, accused the eloquent Solicitor-General below me, of having appealed to the basest of all passions—fear. Has the right hon. Baronet never heard of a fear which is the noblest of all passions—a fear which is the elementary principle of all sound counsel—a fear which is the beginning of wisdom—the fear of doing wrong. To that fear I apprehend the eloquent Solicitor-General alluded, and to that fear I in humble language would appeal—the fear, I say, of violating a great and vital principle, upon which, in my conscience, I believe hinges the dearest interests of the Irish community—the very *causas vivendi*. Cast but the spoils of the Irish Church—afflicted indeed, but not yet fallen, persecuted, but not yet utterly forsaken—cast that prize into the centre of the ring to be scrambled for, and let but the majority of this House cheer on to the quarry a deluded and infuriated multitude, maddened by agitation, with their hearts naturally most kind and warm, steeled to the cruelty of the grave by religious hatred and bigotry, who, in despoiling the heretic Church and endowing to them a true one, think they do God service, and you will soon indeed draw over my most miserable and devoted country a sword that will reek with the blood of the best and bravest of Protestants, aye, and Catholics. To all appearance you seal the doom of the Protestant establishment—the child, the champion of toleration, and at this present moment in Ireland, the great breakwater which alone interposes to repel the storms and waves that assail the power of civil and religious liberty. And do English Members, in the plenitude of their pride and power, think that their own Church and realm will be safe “within the wind of such commotion?” I tell them they will rock to their very centre, and inasmuch as in them lies, they will put in peril and jeopardy that constitutional throne under the shadow of which, through the blessing of Divine Providence, the people of these kingdoms have enjoyed more rational freedom—more firm security for life and property—more individual happiness, and

more rational glory than has fallen to the lot of any nation under Heaven. But Gentlemen perhaps do not, or will not, heed these sentiments. I appeal to the hon. and learned Member for Dublin upon another score—I appeal to him, by the love he bears the Catholic peasantry of Ireland, who have such solid and substantial claims on his consideration, and for whose interests I willingly admit he keenly feels. I can assure the hon. and learned Member, and my statements could be corroborated by the written evidence of the Catholic clergy, that I never have put off from my estate a Catholic tenant, even if he could not pay his rent, deeming it repugnant to humanity, as there are no Poor-Laws in Ireland, to turn him homeless on the world. I have done my best to support him; but pass these Resolutions, and in what position do you put the landlords of Ireland? I reside perhaps in a remote district, where there are few Protestants. There has hitherto been a Church, but suddenly I find the clergyman suspended, the doors of the temple of God closed against me, and am spurned from the horns of the Protestant altar; I am denied the means of Grace; I stand excommunicated on the earth. It becomes, then, a most sacred and paramount duty to stock my lands with Protestants that I may again worship God after the manner of my fathers. I appeal to every man in this House to point out any other course that I could or ought to pursue. I do, then, implore the noble Lord, and those who act with him, if they yet adhere to true Whig principles—if they yet, and I know they do, love civil and religious liberty—I implore the hon. and learned Member for Dublin, and those that act with him, for their country's sake—for the Catholic people's sake—I implore every Protestant that hears me, for peace sake—for truth sake—for God's sake—to pause ere by pressing these Resolutions on the House, they inflict such multiplied woes on that country, lest when they are carried, and the struggle that must ensue begins, the awful doom of retributive justice be passed upon us, and because for mean party purposes and low party politics, we have “bitten and devoured one another,” we be “consumed one of another.”

Mr. Baines observed, that the right hon. the Chancellor of the Exchequer, and all who had spoken on the same side, had

founded their arguments upon their determination never to consent to the application of the revenues of the Church of Ireland to any but Ecclesiastical purposes. But they forgot that much of the revenues of that Church had, from the earliest to the present time, been applied to other than Ecclesiastical purposes. Suppose the case of a parish—there were many such in Ireland,—without a Protestant family in it yielding 500*l.* per annum in the shape of tithes, which were sent out of the country to a non-resident clergyman, by a tithe-proctor, who constituted the only representative of the Church of England in it—would the right hon. the Chancellor of the Exchequer say, that 500*l.* per annum was devoted to Ecclesiastical purposes? He could not: such funds were appropriated to the purposes of Ecclesiastics, but not to purposes Ecclesiastical. If, on the other hand, the Resolution of the noble Lord, the Member for Devon, were carried into effect, a portion of the revenues of the Irish Church would be devoted to purposes to a certain extent Ecclesiastical, viz. to the moral and religious education of the people. This, however, was but part of a system [*“Hear, hear!” from the Ministerial benches.*] Gentlemen opposite would not, perhaps, have cheered had they waited the close of his sentence. This proposition was but part of a system of kindness and affection by which Ireland ought to be governed, instead of by the sword. The right hon. Baronet, at the close of his eloquent speech on Thursday night, delicately hinted that there might be an appeal from this House to the country. The hint was not very broadly given, but the right hon. Baronet was so understood on his (Mr. Baines’s) side of the House. Not a single individual, he believed was intimidated from discharging his duty to his constituents, to Ireland, and his country, by that intimation; but he would take the liberty of whispering in his turn to the right hon. Baronet, that such an appeal would be an appeal from the people to the people, who had so recently sent to that House persons really representing what he believed to be their sentiments. Addresses and petitions might come up from different parts of the country to prop up a somewhat tottering Administration, but he was much mistaken if counter-addresses and counter-petitions, as numerous and respectably signed, would not be sent to that House

in support of the Resolution now under consideration. As far as regarded the numerous constituency he had the honour to represent, and a very large body of people in the North of England, he thought he might venture to say, that there was nothing to which they were more opposed than a sinecure Church and a non-resident clergy. Not only would they petition for the abolition of a sinecure Church, and the depriving a non-resident priesthood of its revenues in Ireland, but for the enforcement of residence and abolition of pluralities in this country. In conclusion, he repeated, that he had risen principally to say, that the right hon. Gentleman at the head of his Majesty’s Government, and those with whom he was connected, had during the whole of their public life, consented to a large portion of the revenues of the Irish Church being applied to other than Ecclesiastical purposes; and that, if the Resolution of the noble Lord, the Member for Devonshire, should be defeated, those revenues would still continue subject to similar misapplications. He thought that he could not render to his constituents, or to the people of England and Ireland, a more acceptable service than that of making the surplus revenues of the Irish Church conducive to the general education of the Irish people: and under this impression he should give to the measure now under consideration his most cordial support in every stage of its progress.

The Marquess of Chandos said, that in part of the remarks of the last speaker he fully concurred. He was anxious to correct the abuses of the Church establishment, and for this purpose he should be disposed to lend his humble aid to enforce the residence of the clergy, and the abolition of pluralities in the Church; but while he was disposed to correct those abuses, he would not do away with the Church altogether, and hand its revenues over to another establishment. Whatever might be the object of the noble Lord, in bringing forward this Resolution, the noble Lord might be assured that if he once handed over the revenues of the Church to another religion, he could not stop there; and though he might think that he did enough in applying the surplus for the purpose of moral and religious education, he might rely upon it that he would be called upon to do more—he would be called upon to hand over other portions of

the Church revenue for other purposes than those of moral and religious education. He had opposed—most conscientiously opposed—the Question of Catholic Emancipation, though he had done so without any feeling of personal hostility against any members of that Church, for many of whom he had the highest respect; but, as a member of the Church of England, he must protest on the part of that Church against any portion of Church revenues being applied to the use of Catholics as well as Protestants. However humble his station in the country might be, he must raise his voice against the proposition now made. Besides, when they talked of a surplus of Church-property in Ireland, what evidence had they that any such surplus existed? Would it not be right that they should first have some information on the subject? Would it not, he would beg to ask, be better to wait till they had the Report of the Church Commissioners, and not, in the absence of all accurate information on the subject, to assume that a surplus did exist, and then to decide that it should be handed over for the use of the Catholics? The hon. Gentleman who last addressed the House had alluded to what he considered as an intimation of an intended dissolution of Parliament. He did not know, nor was it likely that he should, what the intentions of his Majesty's Government were in this respect: but this he would venture to state, that if an appeal should be made to the sense of the people, it would be found that there was a staunch Protestant constituency in the country, who were prepared to protect the Church, and who would not allow its revenues to be handed over to others. The appeal, therefore, to which the hon. Member had alluded, if it were to be made, might not respond so much to the opinions which had been declared by a majority of that House as he seemed to anticipate. If the noble Lord should succeed on this occasion in overthrowing the Government, he might not find it so easy to reconstruct and manage another as he imagined. He would soon be called on by his new supporters to make another alteration in the Protestant Church. Those who now carried him on triumphantly, would, before long, insist on a further reform in the Church Establishment. He asked, did the noble Lord indeed trust in the support of his allies at that side of the House? He gave those hon. Members

credit for being honest in the avowal of their principles, and he was convinced they would not go with the noble Lord in a middle course. He was convinced they would, under all circumstances, advocate the principles which they advocated at present. If the noble Lord were to join a new Government, he must be content to go with the stream, and he must go much faster than he went at present, or than he, perhaps, might at any time wish to go. He was one of those who had conscientiously opposed the emancipation of the Roman Catholics of Ireland—he had regarded the measure as impolitic. He, however, honoured the consistency of the Catholic advocates, while he had opposed himself to their claims; and now, acting on the same feeling, he was determined to protect the Protestant Church and to prevent its property being handed over to the Roman Catholics. He was unwilling that this Question should go to a vote without his stating, as the Representative of a large Protestant constituency, his honest opinion on the subject. If he were to refer to the opinions of an hon. Member, given some few years ago, now a noble and learned Lord, and at all times distinguished for his abilities and eloquence, he might almost in his words express his own feelings. Lord Plunkett, in a speech delivered in 1824, said—"But speaking of it in a political point of view, he had no hesitation to state, that the existence of the Protestant Establishment was the great bond of union between the two countries; and, if ever that unfortunate moment should arrive, when they should rashly lay their hands on the property of the Church, to rob it of its rights, that moment they would seal the doom and terminate the connexion between the two countries."*

Mr. *William Roche* said, in reply to the quotation with which the noble Lord who had just sat down concluded his speech, importing that the Union of Great Britain and Ireland depended upon an union of their Churches, I beg to say that whether Lord Plunkett, whose sentiments he quoted, be right or wrong in that respect, there is another ingredient still more necessary in my opinion—namely, an union of hearts, arising from a sense of justice and good Government. Sir, I was unwilling to interfere in this debate, because

* Hansard, (New series) vol. xi., p. 574.

as an Irish Roman Catholic, I considered it to involve a subject which could be more satisfactorily and usefully advocated by Protestant good sense, good feeling, and justice; nor would I interpose now, were it not for some observations which incidentally fell from hon. Members during the course of the discussion, and which I conceive require to be set right. Sir, I understood an hon. Gentleman to say that there were three millions of the Irish people who could not speak or understand the English language, and, therefore, that it would be advisable to publish and circulate the Bible among them, in the Irish tongue. Such a project may perhaps be beneficial to the printer, but quite unwanted by the people, for so far from there being three millions so circumstanced, there are not one million, nay, nor I am sure, half-a-million. As a Magistrate in the south of Ireland, I have good opportunity for ascertaining, and I can accordingly say, that whether at Assizes, Quarter Sessions, or Petty Sessions, the aid of an Irish interpreter is now seldom or never required. Sir, I also heard it insinuated that the Catholic Clergy are desirous of sharing in Protestant Church revenue—so far from such a desire having any existence, I am sure that if the supposed boon were offered them, it would be, I may say, universally refused; for, Sir, the Catholics have seen that rendering a clergy too independent of their flock, is not the mode best calculated to make them active or ardent in the performance of their duties. Sir, an hon. Member has adverted to the policy of the Court of Rome in advocating an union of Church and State. Doubtless every Roman Catholic looks up to the Pope of Rome as the spiritual head of his Church; but, Sir, no British or Irish Catholic feels disposed to look to Rome or to Italy for any portion of its political creed. Permit me now, Sir, to briefly advert to the main Question under debate. I was one of those who, by my vote, contributed to, and was gratified by the result, of our late decision, founded, as I consider it to have been, on justice and judiciousness. Why, Sir, if it went forth to the Irish people, or, indeed, to any reflecting people, that be the number of Protestants what it may, whether one thousand or one million, the same staff and expenditure should be maintained, it would certainly and rapidly accelerate an already-growing impression (originating

very much, I believe, from previous clerical pertinacity) that Church Establishments are in their nature so inherently selfish, as never to yield, if possible, to any amelioration, or bend to any change of circumstances, but proceed, under all circumstances, in the same career of power and aggrandizement. Why, Sir, would it not be as consistent to say, that whether a regiment be composed of one hundred or a thousand men, it should possess the same amount of staff? It may, however, be replied, that it is expedient to continue the full staff, with a view of re-increasing the rank and file, but if it be found that after three centuries of experiment and experience, such expectation is utterly fruitless, would not common sense and justice dictate the reduction of the staff, till at least the rank and file really, not hypothetically, required its augmentation. Then, Sir, as regards the purpose to which it is intended that the proposed surplus of Irish Church revenue should be applied, namely, the education of all classes of the Irish people, what purpose ought to be more highly approved of by the Protestant clergy, or to what object ought they to make more willing, or greater sacrifices, if it be true, according to the opinion of over-ardent Protestants, that Catholicity is based upon ignorance, for then, according to such opinion, Catholicity must fade away before the light of education; and the force of mental enlightenment and Protestantism shine forth in opposing lustre. But, Sir, if the Catholics thus dreaded the influence of education and enlightenment, would they be anxious and solicitous as they are for the attainment of these objects to their people. No, Sir, the Catholics do not fear or deprecate, but ardently desire, the utmost scope of mental and moral improvement, for no religion emanating from God can fear the fullest enlightenment of the human mind; under which persuasion, the Catholics dread not, but, on the contrary, warmly desire the education and enlightenment of their people. Sir, it is, indeed, high time for the Protestant Church to commence to render itself less unamiable and obnoxious than it has hitherto been in Ireland, and to proceed in making some amends for the past, by promoting, for the future, the improvement, the peace, concord, and happiness of that country, as regards all its classes and denominations. Trusting, Sir, that the Resolution lately

adopted, and now reported to the House, is a prelude to those desirable results, it carries with it my cordial support.

Mr. *Scarlett* had great satisfaction in being able to state that his sentiments on this question were entirely in accordance with those expressed in a petition which he had had the honour to present from his constituents. This was not a mere question whether, by the disposal of an imaginary surplus for some undefined purposes, funds should be supplied for education, but whether, under that pretence, a confiscation of those funds should take place for the use of the Catholic priesthood. The declarations which had been made by many of the Roman Catholic Members during the Debate were at variance with the oaths which they had taken on their entrance to that House. They were told that it would be no impeachment of their consistency to go a certain length. It would, however, be a great impeachment of their prudence. Would they embark in a vessel that was manned and steered by their enemies? If they did so, they must expect to see the crew take her to an enemy's port, and would be very sorely suspected of connivance. He had as yet heard no good reasons stated why they should abandon the right and pursue the expedient. The noble Lord who brought forward the Motion said he saw no difference between appropriation and distribution. "If," said the noble Lord, any part of the property of a Dean and Chapter, or of a Bishopric, may be taken away and transferred to other church uses, there was no reason why it might not be transferred to a stranger." The right hon. Member for the town of Cambridge (Mr. Rice) endeavoured to support this view of the matter by reference to the times of Henry 8th, and by a proposition brought forward by Mr. Orde, the Secretary of State in Ireland, which, however, had never passed into a law. Henry 8th was not so weak or so foolish as to seize on the goods of the Church. He only took the goods of the monasteries. This, however, was a lay appropriation, and, as matter of right, under the circumstances reverted to the Crown. This was quite clear from the case of the Abbey of Kendal and others. Despotic tyrant as Henry was there was another despotism still worse, that of a majority, who, though differing in everything else, countenanced each other in a

spoliation which a king would be ashamed of. Tithes never belonged to the State. They consisted of private property given for the support of the Church. The noble Lord (Lord Stanley) was spoken of as having disgraced himself by his conduct in relation to this question. So far from being a disgrace no man could do an act more gracious than to support the institutions of his country. Could they be the friends of the country who would expose their ancient mother the Church to spoliation? The proposition was supported on the ground of expediency. They were told it would produce peace in Ireland. If there was any hope that the Catholics could be conciliated that might be some inducement to violate a principle. But they were not warranted by experience in entertaining any such hope. Ireland could never be tranquillized but by justice. No man would go further than himself towards the attainment of that desirable object, if he saw some statesmanlike plan submitted to the House. This question was produced and discussed merely on party grounds, to turn out Ministers. They would not succeed. The Opposition had not the confidence of the country. They were already tried, and were condemned by the united voice of the country. When it was understood by the people at the last general election that the Church was to be defended, with what joy did they come forward at the call, and return a majority of Conservatives.

Mr. *Ronayne* said, the whole Question resolved itself into this—if the Protestants of Ireland were reduced to 600, in place of 600,000, must the Establishment remain the same? It was surprising how opinions altered with circumstances. In a debate upon the Irish Church in 1824 would be found recorded the name of James Scarlett, the father of the hon. Member who last addressed the House. On his side of the House no language had been made use of disrespectful to the Protestant clergy as was then made use of by that hon. Member. He wished he could say the same of the Gentlemen on the other side. So far from this, the Member for Cumberland (Sir James Graham), whose speech had been lauded to the skies by the Ministerial press, thought fit to insult the Roman Catholic people of Ireland by saying that an unmarried clergyman must be an unholy one. Such

an expression as that had never been used on his side of the House in reference to the clergy of the Established Church. Much had been said by hon. Members as to the alliance between the noble Lord who made this Motion and the hon. and learned Member for Dublin. Now there was a kind of alliance between the right hon. Baronet opposite and the noble Lord the member for Lancashire. Of that junction he had read in the English history an excellent illustration, and with permission he would read it to the House. It was in the third volume of Hume's history, and had reference to the Lord Stanley of that day. Just before the decisive battle of Warwick, "the Lord Stanley of that day" said Hume, "raised a powerful body of his friends and retainers in Cheshire and Lancashire, but without openly declaring himself, and though Henry had secret assurance of his friendly intentions, the armies of both sides knew not what to infer from his equivocal behaviour. The two rivals at last approached each other at Bosworth, near Leicester. Henry had 6,000 men, Richard's army was double that number, and a decisive action was every moment expected between them. Lord Stanley, who commanded 7,000 men took care to post himself at Atherstone, not far from the hostile camps (that was just below the gangway) and he made such a disposition as enabled him, on occasion, to join either party." The Lord Stanley of this day had not a tail of 7,000, nor could the Derby dilly contain them. He should not trespass further on the time of the House, he only begged them to remember that not to pass this Resolution would be tantamount to the declaration of war against the prosperity and peace of Ireland.

The Committee divided on the Resolution: — Ayes, 262; Noes, 237 — Majority, 25.

List of the AYES.

Acheson, Viscount	Baring, Francis T.	Bewes, T.	Fielden, J.
Aglionby H. A.	Barclay, D.	Biddulph, R.	Finn, W. F.
Ainsworth, P.	Barclay, C.	Bish, T.	Fitzsimon, C.
Alston, Rowland	Barnard, E. G.	Blake, M. J.	Fitzsimon, N.
Angerstein, J.	Barry, G. S.	Blamire, W.	Fort, J.
Anson, Sir George	Beauchlerk, Major	Bodkin, John James	Fox, Lieut.-Colonel
Astley, Sir J.	Beaumont, T. W.	Bowring, Dr.	Gaskell, D.
Bagshaw, John	Bellew, R. M.	Brady, Dennis C.	Gisborne, T.
Baines, Edward	Bellew, Sir P.	Brabazon, Sir W. J.	Gordon, R.
Bainbridge, E. T.	Belfast, Earl of	Bridgeman, H.	Grattan, H.
Bannerman, Alex.	Berkeley, Hon. C.	Brocklehurst, J.	Grattan, J.
		Brodie, W.	Grosvenor, Lord R.
		Brotherton, J.	Grote, G.
		Browne, Dominick	Grant, Rt. Hon. C.
		Buller, Charles	Grey, Hon. C.
		Buller, E.	Grey, Sir G.
		Bulwer, E. G. E. L.	Guest, J. J.
		Bulwer, H. L.	Gully, J.
		Burton, H.	Hawes, B.
		Butler, Hon. Pierce	Hall, Benjamin
		Byng, Sir J.	Harvey, D. W.
		Byng, G.	Hay, Colonel L.
		Campbell, Sir J.	Hawkins, J. H.
		Campbell, W. F.	Harland, W. C.
		Carter, B.	Handley, H.
		Cave, Otway	Heathcote, R. G.
		Cavendish, Hon. G. H.	Heathcoat, J.
		Cayley, E. S.	Hindley, C.
		Chapman, M. L.	Hodges, T. L.
		Chichester, J. P. B.	Hodges, T.
		Clay, W.	Hoskins, K.
		Clayton, Sir W. R.	Howard, P. H.
		Clements, Visct.	Howick, Viscount
		Clive, E. B.	Holland, Edward
		Clive, Hon. R.	Hurst, R. H.
		Cockerell, Sir C.	Hume, J.
		Codrington, Sir E.	Hutt, W.
		Collier, John	Jervis, John
		Crawford, W.	Kennedy, J.
		Crawford, W. S.	Kemp, T. R.
		Crawley, S.	King, E. B.
		Crompton, S.	Lambton, H.
		Curteis, Herbert B.	Langton, W. G.
		Curteis, Edward B.	Leader, J. T.
		Dalmeny, Lord	Lefevre, C. S.
		Denison, John E.	Lennard, T. B.
		Dennistoun, Alex.	Littleton, Rt. Hn. E. J.
		Dobbin, Leonard	Lister, E. C.
		Donkin, Sir R. S.	Long, W.
		Dunlop, Colin	Lushington, Dr.
		Dykes, F.	Lushington, C.
		Ebrington, Visct.	Lynch, A. H.
		Ellice, E.	Martin, T. B.
		Elphinstone, Howard	Marshall, W.
		Etwall, R.	Macleod, R.
		Euston, Earl of	Macnamara, Major
		Evans, George	Maher, J.
		Evans, Colonel	Marjoribanks, S.
		Ewart, W.	Marsland, H.
		Fazakerley, J. N.	Maule, Hon. Fox
		Fellowes, Hon. N.	Mangles, J.
		Fergus, John	McCance, J.
		Fergusson, Rt. Hon. C.	Methuen, P.
		Ferguson, R.	Milton, Viscount
		Ferguson, Sir R.	Mostyn, Hon. E. L.
		French, F.	Moreton, Hon. A. H.

Molesworth, Sir W.	Ruthven, E. S.
M'Taggart, J.	Scholefield, J.
Murray, J. A.	Scott, J. W.
Mullins, F. W.	Serope, G. P.
Nagle, Sir R.	Seale, Colonel
O'Brien, C.	Sharpe, General
O'Brien, W. S.	Sheil, R. L.
O'Connell, D.	Simeon, Sir R. G.
O'Connell, Morgan	Smith, B.
O'Connell, J.	Smith, J. A.
O'Connell, M. J.	Speirs, A. G.
O'Connell, Maurice	Steuart, R.
O'Connor, Feargus	Stewart, P. M.
O'Dwyer, C.	Strutt, E.
O'Ferrall, R. M.	Stuart, Lord D.
Oliphant, L.	Talbot, C. R. M.
O'Loughlen, Sergeant	Talbot, J. H.
Ord, W. H.	Tancred, H. W.
Ord, W.	Tennyson, Rt. Hon. C.
Oswald, R. A.	Thomson, Rt. Hon. P.
Oswald, J.	Thornely, T.
Paget, F.	Tracey, C. H.
Palmer, General	Trelawney, Sir W. L. S.
Parker, J.	Troubridge, Sir T.
Parnell, Sir H.	Tulk, C. A.
Parrott, J.	Tynte, C. J. K.
Pattison, J.	Vivian, J. H.
Pease, J.	Villiers, C. P.
Pelham, Hon. C. A. W.	Verney, Sir H.
Perrin, Sergeant	Vivian, C. C.
Pepys, Sir C. C.	Wakley, T.
Philips, G. R.	Walker, R.
Philips, M.	Walker, C. A.
Phillipps, C. M.	Wallace, R.
Ponsonby, Hon. J. G. B.	Warburton, H.
Ponsonby, W.	Ward, H. G.
Potter, R.	Winnington, Sir T.
Poulter, J. S.	Winnington, Captain
Power, J.	Wilson, Henry
Power, P.	Wood, Alderman
Price, Sir R.	Wyse, T.
Pryse, Pryse	Wigney, J. N.
Ramsbottom, J.	Williamson, Sir H.
Ramsden, J. C.	Williams, Sir J.
Rice, Rt. Hon. T. S.	Wilde, Sergeant
Roche, W.	Westenra, Colonel
Roche, D.	Westenra, Hon. H. R.
Roebuck, J. A.	Whalley, Sir S.
Rolfe, R. M.	White, S.
Ronayne, D.	Williams, W. A.
Rooper, J. Bonfoy	Wrottesley, Sir J.
Rundle, J.	Wilks, J.
Russell, Lord	Williams, W.
Russell, Lord John	TELLER.
Ruthven, E.	Wood, C.

PAIRED OFF.

Blunt, Sir Charles R.	Fitzgibbon, R. H.
Bowes, J.	Gillon, W. D.
Burdett, Sir Francis	Hector, C.
Burdon, W. W.	Heron, Sir R.
Bulkeley, Sir R. B. W.	Howard, E.
Chalmers, P.	Humphrey, John
Conyngham, Lord A.	Morpeth, Viscount
Colborne, N. W. R.	Musgrave, Sir R.
Denison, W. J.	Pendarves, E. W.
Edwards Colonel	Pryme, G.

Speirs, A.	Talfourd, T. N.
Stuart, Lord J.	Tooke, W.
Surrey, Earl of	Tynte, C. K. K.

Resolution agreed to. The House resumed.

SUPPLY.—NAVY ESTIMATES.] The House went into a Committee of Supply.

On the Question, that a sum not exceeding 118,547*l.* be granted for the expense of his Majesty's Marine Establishment at home,

Sir *Edward Codrington* wished to be informed whether Mr. Dawson had authority to use the Admiralty flag for election purposes, at the late election for Devonport? That the flag had been used, and that a salute had been fired in honour of it, was unquestionable. The Admiralty flag was never hoisted in that town on ordinary occasions, but in the arsenal itself. It was very important that it should be known whether the Secretary for the Admiralty could constitute himself into the Admiralty, and hoist the Admiralty flag. He felt very strongly, as a professional man, that it was most important that the Admiralty flag should not be made an improper use of.

Sir *Henry Hardinge* begged to ask the hon. and gallant Admiral, whether from his past experience he supposed that if in any instance an officer hoisted the Admiralty flag at an inn window, it would be saluted.

Sir *Edward Codrington* believed, if the hon. and gallant General looked to the Naval Instructions, he would find that the Navy were bound to salute that flag.

Sir *John Beresford* said, that if the gallant Admiral had ever hoisted his flag out of the window of an inn, he would have found that the Navy would never think of saluting it. However the fact might be, he was quite sure of this, that Mr. Dawson had never hoisted, he might say, as improper flags as other people.

Sir *Edward Codrington* could not allow the Question to be so slurred over, as a professional man he felt bound to express his sentiments on the subject. He had been greatly misrepresented. The question was asked whether Mr. Dawson had hoisted the Admiralty flag for election purposes. He wished to know this, and he wished also to ask, if the fact should prove to be so, whether Mr. Dawson had the authority of the Admiralty for the course he had pursued? He waited for a distinct answer.

Lord *Ashley* said the hon. and gallant Admiral must be perfectly aware that he had no opportunity of giving him an answer to his question. He had risen twice for that purpose, but had been unable to gain a hearing. The hon. and gallant Admiral had had the kindness to mention to him, two or three hours before, that he intended to put the question. He had had, however, no opportunity of making himself acquainted with the subject, for he had not since been enabled to leave the House. He assured him that he would inquire into the case, and when he had been enabled to ascertain the truth, the gallant Admiral should receive the fullest information. Personally, he knew nothing whatever upon the subject, because during the whole period he had been engaged in Dorsetshire on his own business.

Sir *Edward Codrington* had merely waited for an answer. Had he known that it was the noble Lord's intention to make any reply to his question, he should not, of course, have hurried him. He thought it a very important point; and considering that the House was going to other business without any explanation having been given, he had felt it his duty to put the question. He had now to say, that he did not think such an answer as they had received at all satisfactory. The question had not arisen yesterday—it had been before the public mind for some time. "I say," (continued the hon. and gallant Member), "that you ought to have come here prepared with an answer. I say so fearlessly—it is an important point. We are not to be trifled with; the Admiralty is not to be trifled with, nor is the Admiralty flag. I ask Sir James Graham, the Member for Cumberland.—well, then, I ask the right hon. Member for Cumberland, if he be in his place, I ask him whether, when he was first Lord of the Admiralty, and hoisted the Admiralty flag, it was not treated with every possible respect; and whether that respect was not paid to the Board of Admiralty composed of a certain number of Lords of the Admiralty and their Secretaries? I ask the right hon. Baronet whether, as Secretary for the Admiralty, going down into the country for electioneering purposes, he would have hoisted that flag for the purpose of procuring the degree of respect and influence in the election which belongs to the Admiralty? I repeat this as a very important point, and I say, moreover, that unless we

get some satisfactory information upon the subject, I shall feel it my duty to bring it specially before the House."

Sir *George Grey* observed, that nothing was further from his wish than a desire to fight election battles over again in that House. He felt bound, however to corroborate the statement made by his hon. Colleague, having resided during the whole election within a few yards of the place from which for a period of three weeks, if he remembered right, the Admiralty flag had hung out. He was unwilling to make any remarks on the subject, but sitting next his hon. Friend, and hearing his statement disputed, he felt bound to say that there was no doubt whatever of the fact. What the explanation might be, when the noble Lord came down prepared to make it, he knew not; but this he knew, that the fact certainly was as he had just represented it.

Mr. *Fector* was surprised at the soreness of the hon. Gentleman opposite on so trifling a point, when some of them, particularly the hon. Member for Sandwich had been returned by means of the Admiralty influence.

Sir *Thomas Troubridge* really did not understand the hon. Gentleman. Surely he did not allude to the last election!—surely the hon. Member did not mean to say, that he had been returned to that House at the last election by means of the influence of the Admiralty. He had had no such influence on his side, but every possible influence fair and unfair—fair and unfair, he repeated, and he wished the phrase to be so understood—was used against him by the Lord Warden and all parties concerned with him. He was surprised—perfectly astonished—at the charge which had just been made.

Mr. *Barlow Hoy* expressed his opinion that the hon. and gallant Gentleman opposite could have been very little versed in contested elections, or he would have known that it was customary on such occasions to use flags of every description. He was prepared to maintain what he said. He had not only seen common flags in every-day-use, but even the Royal standard hoisted at elections; the fact was, that they were merely considered as ornaments. The hon. and gallant Gentleman opposite talked of misrepresentation. He did not think the charge came with a very good grace from that side of the House. The gallant Admiral himself had been pecu-

liarily unlucky in the charges he had brought forward. The House could not fail to remember several instances in which the hon. and gallant Gentleman had been singularly unfortunate. He recollected the fate of a charge which he brought against the right hon. Gentleman, the Chancellor of the Exchequer, relative to something that had been said two or three years before. He remembered, too, the fate of another charge—a very serious charge—brought forward by the gallant Admiral, which, when the facts were tried, could not be substantiated—he alluded to the case of Captain Dickenson. He could not help thinking that the gallant Admiral had been much more forward in making charges than was in his ability to substantiate. The instances of which he had reminded the House, would, perhaps, induce them to form a similar opinion.

An *Hon. Member* rose to order. The debate was one of a personal nature, and and wholly unconnected with the Question before the House.

The *Chancellor of the Exchequer* had stated, at a very early period of the evening, that the votes for which Government asked, connected with the Navy Estimates, were really indispensably necessary. He had received a letter from the Accountant of the Navy, the concluding paragraph of which he would take the liberty of reading, because in all probability many Gentlemen were then present who had not heard his previous statement. The Accountant said that many votes were extremely pressing, and, amongst the rest, the first payment of the wages of the artificers in his Majesty's dock and victualling yards would come due on the 10th inst., for which no supply had yet been granted. His noble Friend had promised to inquire into and answer the question relative to this circumstance with respect to the flag. It appeared to him that this question of the flag had perhaps been sufficiently discussed already; and he did submit that, considering the exigency of the public service; the matter had better be allowed to remain where it was at present.

Captain *Berkeley* quite agreed with the right hon. Baronet, and he would therefore conclude with one plain and simple question relative to another subject. Had any person been appointed to supersede Sir George Cockburn on the Jamaica station?

Lord *Ashley*. replied that Sir George

Cockburn's successor had been appointed, but had not yet gone out.

Sir *Edward Codrington* had not thought it necessary to notice the charges which the hon. Gentleman opposite had thought proper to bring against him, but as the hon. Gentleman had made an attack upon him, he begged to give notice that he would move for a return of the proceedings of the court-martial on Captain Dickenson. He really did not know what motive or what feeling could have induced the hon. Gentleman to bring such charges forward.

Mr. *Hume* begged to ask the noble Lord whether any Navy bills had been refused payment at the public offices in consequence of the Navy Estimates not having been passed?

Lord *Ashley* was understood to reply, that in consequence of the Government having no money in hand at the close of the financial year, the Admiralty had withheld their authority for the payment of certain demands until the money necessary for the purpose was at their command.

Mr. *Hume* said, it appeared to be very extraordinary that any Navy bills should be refused payment, and he considered the objection to paying them was a mere pretext for throwing blame on the Opposition side of the House for not allowing the Estimates to be passed; but the noble Lord knew perfectly well that no obstruction had been thrown in the way, but that every indulgence had been shown by the opposition to his Majesty's Government. It was not owing to him or his friends that the delay had taken place. The difficulty had arisen from the right hon. Baronet and those who acted with him in dissolving the late Parliament. The House was bound to notice the circumstance which the noble Lord had avowed, for this was the first time during the twenty years that he had been in Parliament that the public credit had been so dishonoured.

The *Chancellor of the Exchequer* must say that the delay which took place in consequence of the dissolution of the late Parliament was not the cause of the delay in passing the Estimates; the main cause was, that the Government, being limited in bringing forward votes of supply to two days in the week only—Monday and Friday—amendments had on each of those days been moved by hon. Gentlemen opposite, so that it was impossible to proceed with the supplies. Even on this very

night an hon. Gentleman had given notice of a motion for Friday next respecting some additional allowance to East-India Officers. But that was only in pursuance of the course which had been adopted during the whole of the present Parliament—a course which he thought very inconvenient to the public service. He would deny that the slightest attempt had been made to create a prejudice against the course taken by the hon. Gentlemen on the Opposition side of the House. Indeed an opportunity was taken the other night to state fairly what was the actual situation of the Government with respect to the Navy half-pay.

Mr. *Labouchere* was anxious to ask the noble Lord whether he had any objection to mention what was the nature of the engagements which the Treasury had not discharged. He should hear with extreme regret that any Board of Admiralty would refuse to take upon itself the responsibility of preventing Navy Bills being dishonored, merely because a particular vote had not passed through a Committee of that House.

Lord *Ashley* had great pleasure in answering his hon. Friend. Although the Admiralty had thought it right to delay the payment of certain accounts, yet it had not gone to the extent of dishonouring any bill. The Board having satisfied themselves that there was not any money in hand to meet the accounts delivered, they delayed drawing out the document which would be a warrant to the Treasurer of the Navy to pay those accounts.

Mr. *Labouchere*, under these circumstances, could not help expressing his regret that the noble Lord had not come down to the House, and stated distinctly that such an emergency existed. He was quite satisfied there would not have been the slightest obstruction placed in the way of a vote in order to meet the exigency. It was worthy of the consideration of Government, whether there should not be some new arrangement entered into, by which the financial year should be altered; because circumstances must often occur that would render it impossible for the House to pass the Estimates before the 1st of April.

Mr. *Baring* said, that it was rather a novel doctrine to hear advanced in that House, that the Government should be blamed for not paying money which had not been voted by the House of Commons

Hon. Gentlemen had spoken of this as a matter of complaint against the noble Lord (*Ashley*). The fact was, the Navy Estimates were introduced by his noble Friend on the 13th of last month; and if Hon. Gentlemen would look to the Order-book, they would find that night after night one hon. Gentleman got up after another to interpose some obstruction, and then having done this, they now came forward and made it a matter of accusation against the Government, because, forsooth, they had not paid money for which no vote had been passed. He hoped that the noble Lord would always be subject to that imputation. The hon. Member for Middlesex, and others, were speaking against time for two or three hours when these Estimates were brought in, and now they complained that the money was not expended which the House had not voted. It was the duty of Government to expose to the House of Commons what that sort of conduct had led to. If he had been in the navy department he would not have expended one sixpence until the House showed to the country whether they would or not obstruct those supplies which they now said they never wished to refuse. Of all men in that House the hon. Member for Middlesex was the last who had any right to complain, he having, night after night, upon every vote retailed the same old story which for the last thirty years the House had heard with little or no novelty, and which left no doubt upon the mind of every one that it was expressly interposed for the purpose of delaying the Supplies. He could only remind the hon. Gentleman of the expression he used when the Government wished to go into Committee for a vote. The hon. Gentleman then exclaimed, "No more money to-night!" And this the hon. Gentleman did after taking up three or four hours of the night in making statements which nobody listened to, and which had no bearing on the Question before the House.

Mr. *Hume* said, that if he had acted as the right hon. Gentleman had alleged, he should only have been acting with perfect consistency. The only time in which he had deviated from his usual course had been during the present Session; and more especially upon the Navy Estimates, when he did not occupy five minutes of the time of the House. It was on the Army Estimates that he made the state-

ment to which the right hon. Gentleman alluded; but as to the Navy Estimates he had only to appeal to the recollection of the House to show how utterly unfounded was the allegation of the right hon. Gentleman. The observations, therefore, of the right hon. Gentleman were inapplicable, because they were untrue. But he would appeal to the House whether the very moderate and temperate speech of the right hon. Gentleman was the best mode in which to carry these Estimates. If there was any thing calculated to interfere with the passing of these votes it was the speech of the right hon. Gentleman; and if it were not for the sake of the public service that these Estimates should be carried, he could assure that right hon. Gentleman that he would, in all probability, have got just as much as he deserved, and that would have been not a farthing; and with respect to the cry—"No more money to-night!"—he begged to ask what it was o'clock at the time he uttered those words? It was one o'clock? and on the motion for another vote, his answer was, "No more money after midnight." This had been the rule of the House in former Sessions, and it had only been transgressed in order to oblige the Government. So much then for this story, got up by the right hon. Gentleman, from some old recollection floating on his mind as to something which had fallen from him. But as the right hon. Gentleman did not always recollect what fell from himself, it was not likely that he should have a better recollection of what fell from others.

Resolution agreed to.

On the Resolution that the sum of 361,713*l.* be granted to defray the expense of Naval Stores, &c., for the building and repairs of ships, docks, wharfs, &c.

Sir *Thomas Troubridge* said, this was the most important vote of the whole Estimates, and required more discussion than it could now undergo. He must protest against the system which had gone on so many years of building new ships, and never using the ships we already possessed. It was an absurdity to keep up a naval force in order to cope with the whole world. It would be impossible to reduce the Estimates if they persisted in such a system. There were fifty or sixty vessels now building, while there were already too many ships in ordinary. He begged the House to give its attention to

this subject, and to insist upon the old ships not being suffered to rot for want of use, while new ones were constantly being built.

Lord *Ashley* said, that it was most important that there should be no delay in passing this vote. He could assure the hon. and gallant Officer that there were at present fewer ships in ordinary than ever there had been before. In 1793, the number of line-of-battle ships in ordinary was 141; at the present time there were only 120, while in the year 1821 there were 160. The number of shipwrights employed in the dockyards in 1793 was 3,184; in 1821, 4,300, while the number now was only 2,560. Of the shipwrights, the number employed in 1793, in constructing new ships, was 1027, while the number at present so employed was 785.

Mr. *George F. Young*, in allusion to a subject to which he had referred on a former evening, hoped that the noble Lord opposite would pledge himself that Government would not build any more ships upon Captain Symonds's plan, until it was first ascertained by actual experiment that the plan was a good one. He objected, too, to the expensive mode in which every new surveyor of the navy was permitted to new-model ships on any plan which he might choose to adopt. He hoped that a uniform and fixed plan might be adopted.

Sir *James Graham* observed that, as the hon. Gentleman wished for a categorical answer, he would give it. He was not prepared for the discussion, but he happened to have in his hand a letter which he had received that day from Captain Cosby, who was with the experimental fleet in the Mediterranean. The letter stated that the writer had great pleasure in saying that the experiment had been most successful. In a fleet consisting of several vessels, in which the *Endymion* was the fastest sailing frigate, every day there had been signals given for the rate of sailing for the fleet, either together or alone, and the *Vernon* (the vessel built on Captain Symonds's plan) astonished them all, as she walked away from the other vessels as if they had been merchant ships. The manner in which she left them behind was like magic.

Mr. *Aaron Chapman* hoped that the Government would never forget that the Navy was the best defence of the empire.

Mr. *George F. Young* said, that if he had been aware of this discussion, he would have produced statements directly in the teeth of that read by the right hon. Baronet. He understood that ships built upon that plan sailed well in smooth water, but that in a heavy sea they were very uneasy.

Sir *James Graham* said, that from the Revolution downwards there never had been so few ships in ordinary as at the present moment; but it was impossible that new ships should not be built to replace those which, in the course of time decayed.

Sir *Edward Codrington* approved of Captain Symonds's plan, and denied that his ships did not sail well in a heavy sea.

Sir *Thomas Troubridge* had one other question to ask—with regard to the Chaplains in the Navy. He understood that there were a great number of chaplains on half-pay who were anxious to get employment, but still that new chaplains had been put upon the establishment. He begged to know if this was the case?

Lord *Ashley* said, that the question came so seldom before him that he was not prepared to answer it: but there was a return moved for by the hon. Member for Middlesex, which would shortly be on the Table, and which would show the exact state of the case.

Vote agreed to.

On the Resolution that a sum not exceeding 98,550*l.* be granted for the expense of ships for the convict service; and in answer to an observation by Mr. *Hume*,

Mr. Secretary *Goulburn* stated that the Government had exerted itself to reduce the number of convicts in the dock-yards, and the number was much less than it had been for several years.

Mr. *George F. Young* remarked, that the understanding was, that convicts should not be employed in the dock-yards. The system, when formerly alluded to in the House, had been universally reprobated, and the right hon. Baronet, then First Lord of the Admiralty, promised that the system should be discontinued.

Sir *James Graham* observed, that he had stated last year, when the subject was alluded to, that the Admiralty had discontinued the employment of convicts at Sheerness and Woolwich, and it was determined to proceed in reducing the number employed in the other yards. Of

course it was inexpedient to send out those convicts to the Colonies who had served a portion of their time. In addition he would only observe, that he had not contemplated the entire abolition of convict labour, but that convicts should only be employed in that description of work which it was difficult to get labourers to perform.

Mr. *Hume* asked whether all persons who were now sentenced to be transported for seven years were sent out to the Colonies? It was an advantage to get rid of them, and their services would be valuable in the Colonies.

Mr. Secretary *Goulburn* replied, that the number of convicts sent out last year was upwards of 6,000. This was a much larger number than had been sentenced during that period, consequently the number of convicts in the hulks and dock-yards had been reduced.

The vote was agreed to.

The House resumed.

MUTINY BILL.] The House resolved itself into Committee on the Mutiny Bill.

In answer to a question from an hon. Member,

Mr. *Herries* stated, that the Commissioners who had been appointed to inquire into military punishments had not yet made any report; but they were proceeding in the inquiry with great care, and he had no doubt they would shortly make a satisfactory report. Of course the substitution of confinement for corporal punishment would come under their consideration, as indeed would the whole penal code for the army.

Mr. *Hume* stated, that he was most anxious to get rid of the disgraceful punishment of flogging in the army, but he feared he should not succeed in doing so until there was a great alteration made in the mode of reward in the army.

General *Sharpe* believed that the soldiers would consider themselves much more degraded by being placed on the tread-mill with felons, than by being flogged. He believed that any soldier, with proper feeling would prefer the latter punishment to the former; and he was satisfied that the discipline of the army would be much better preserved by it, as well as the character of the soldiers.

Sir *Edward Codrington* was well aware however unpopular it might seem, that good soldiers were in favour of the continuance of the punishment. Something,

however, must be done, for much injury had been done to the army by the late unhappy agitation of this Question. Some punishment must be settled. In consequence of the suspension of the flogging, men were in the habit of going away for three days at a time, and when they came back they were "built up," as it was called, which was that for a certain time they were confined. They would then go away again, finding that imprisonment was the only punishment. In this way was the condition of the army deteriorated. This system of imprisonment, too, lost the army—and the hon. Member for Middlesex would appreciate his regard to economy—the use of a man. The services of a man was worth 20*l.*, and it made the good man work harder. He wished some other punishment could be substituted.

Mr. *Hume* reminded the gallant Admiral that it often happened that soldiers, after being flogged, were unable to move from their beds for several weeks.

Major *Beauclerk* stated that he was satisfied that nothing would raise the moral character of the English army so much as getting rid of the punishment of flogging.

Mr. *Kennedy* trusted that the attention of the proper authorities would be directed to the circumstance of soldiers wearing their side-arms. He had seen a few days ago a number of drunken soldiers, who drew their side-arms in the street, to the consternation of the passengers. The practice of allowing them to wear side-arms ought to be discontinued, as no advantage could arise from the custom, and much mischief might result from it.

Sir *Henry Hardinge* was convinced that there was no country in Europe in which the troops in garrison behaved better than they did in this country. He had no doubt the statement of the hon. Member was true, as he had stated that he saw the occurrence, but he (Sir Henry Hardinge) was greatly surprised at it. He should strongly oppose abolishing the custom of allowing the troops to wear their side-arms.

Mr. *Law* felt sorry to be obliged to state, that he had on that morning occasion to send a presentation of the Grand Jury of Middlesex to the Officers of a regiment in London, in consequence of a soldier, while in a state of intoxication, having drawn his side-arms and stabbed a person. He regretted that this was not a solitary instance which had

come under his cognizance of the danger that had resulted from allowing the soldiers to wear their side arms in the street.

Sir *Henry Hardinge*: After what has fallen from the hon. and learned Gentleman he begged to observe, that it had ever been the custom in the British service for the soldiers to carry their side-arms, and he should be extremely sorry to see the day when it ceased. He was extremely sorry to hear of the case which had been alluded to by the learned Recorder.

Mr. *Hume* was astonished at the observation of the right hon. and gallant Officer. Did he mean to say that a practice could be justified by which the soldier, instead of being the guardian of the public, became an aggressor? It was no justification of the practice that it had existed for centuries. He was not such an admirer of the wisdom of our ancestors as to approve of a custom, merely because it had long existed. In his opinion no good could result from allowing the soldiers the constant use of their side-arms, and a change ought at once to take place.

Mr. *Law* remarked that the object he had in view in the observation he made was, not to impose any restraint on the discipline of the Army, but he thought that if the practice were continued the soldiers should be under the wholesome fear of sufficient punishment in cases where they made an improper use of their side-arms.

Sir *Henry Hardinge* had not the slightest objection to the most severe punishment being inflicted in such cases as had been alluded to; and he trusted that if any case came before the learned Recorder, that he would treat it accordingly. When a soldier so far forgot his duty as to act in the way described, it was impossible to condemn his conduct too severely. He, for one, would never consent to withholding their side-arms from the soldiers.

The Bill passed through Committee.

HOUSE OF LORDS,

Tuesday, April 7, 1835.

MINUTES.] Petitions presented. By Lord WHARNCLIFFE, from two Places, for Additional Accommodation in Scotch Churches.—By the Bishop of EXETER, from Exeter, against transferring to Doctors' Commons alone the power of granting Probates and Administrations.—By Lord BROUGHAM, from Wick, against any Additional Accommodation in Scotch Churches; from Shepton Mallet, for an Inquiry into the Charities of that Place.

LONDON UNIVERSITY.] Lord Brougham

seeing a noble Lord opposite in his place, wished to put to him a question on a subject of considerable importance. He understood from the votes of the other House, that an Address to the Crown had been carried, praying that a Charter might be granted to the London University under certain restrictions as to the degrees to be there conferred, and that an answer had been sent to that Address, stating that this matter had been, as he was well aware, before referred to the Privy Council, and that his Majesty would cause the examination by them to be resumed, or the result of the proceedings there to be laid before the other House of Parliament. He wished to know whether any further steps had been taken on the subject. He asked this, because, perhaps, the noble Lord might not know the state in which the proceedings were. In fact, the matter had been fully argued by Counsel, and time was taken to consider the result, and at the time of the dissolution of the late Government he was in correspondence with a noble and learned Friend, the present Lord Chancellor, who with him had most attentively listened to the arguments on both sides upon the course that was to be pursued. He himself had intended to call the Privy Council together upon the subject.

Lord Rosslyn said, that as yet no further step had been taken in consequence of the Address. He was aware that the case had been fully argued, and that it stood over for the decision of the Privy Council.

Subject dropped.

HOUSE OF COMMONS,

Tuesday, April 7, 1835.

MINUTES.] New Writ ordered. For Drogheda, in the room of ANDREW O'DWYER, Esq., whose Election has been determined to be void.

Petitions presented. By Mr. R. WALLACE, from Greenock, for the Repeal of the Stamp Duties on Receipts and Bills of Lading; from Kirkintilloch, against the Tippling (Scotland) Act.—By Colonel EVANS and Mr. GROTE, from Parishes in London and Westminster, for the Repeal of the Window Duty.—By the Marquess of CHANDOS, from Stoke, against uniting that Parish with the adjacent Parishes.—By Mr. W. O'BRIEN, from the County Clare, for Assistance to build a Pier at Ballynaughan.—By Major C. BRUCE, from the Agriculturists of Fife, for Protection and Relief.—By Mr. R. WALLACE and Mr. J. MAXWELL, from several Places, against any Grant for Building Churches in Scotland.—By Sir A. AGNEW, from Risby and Cavendish, for the Better Observance of the Lord's Day.—By Mr. MURRAY, from Stirling, in favour of the Trinity Harbour and Docks.—By Mr. FLEMING, from Portsmouth, for the Repeal of the Reciprocity of Duties' Act.—By Lord MORPETH, from Sheffield, for Alteration in the Imprisonment for Debt Bill.—By Mr. CARRUTHERS, from Hull, and Mr. JAMES OSWALD, from a Number of Places, against the Imprisonment for Debt Bill.—By Sir H. PARNELL, Sir A. AGNEW, Mr. R. FER-

GUSON, and Mr. STUART MACKENZIE, from a Number of Places, for Support to the Church of Scotland.—By Mr. J. OSWALD, from Stage-coach Proprietors and others of Glasgow, for placing all Modes of conveying Passengers on a similar Footing in regard to Duty; from the Glasgow Tea East-India Association, for Equalizing the Duty on East and West-India Produce, also for the Repeal of the Duty on Receipt Stamps.—By Mr. C. HINDLEY, from the Factories of Horley Bridge, against the Factories' Regulation Act.—By Sir HENRY PARNELL, Dr. BOWRING, Mr. J. MAXWELL, and Mr. R. WALLACE, from the Handloom Weavers of a Number of Places, for a Board of Trade and for Relief.—By Sir H. PARNELL, from Boidece, for Extending the System of Parochial Education to Scotland.—By the ATTORNEY-GENERAL, from the Prisoners Confined for Debt in the King's Bench Prison, in favour of the Imprisonment for Debt Bill.—By the ATTORNEY-GENERAL, Sir HENRY PARNELL, Sergeant GOULBURN, Sir WILLIAM FOULEES, Alderman THOMPSON, and Messrs. SPRING RICE, STRUTT, COMPTON, and FLEMING, from a Number of Places, for the Repeal of the Duty on Spirit Licences.

CHURCH OF IRELAND.] Mr. Bernal brought up the Report of the Committee of the whole House on the Established Church of Ireland. On the question that it be read,

Mr. Sinclair said, I wish to know from the noble Lord whether it is his intention to move that the resolutions now brought up be communicated to the House of Lords. That House still constitutes a co-ordinate branch of the Legislature of this country, and no measure can become law without its concurrence. From the proceedings of that House with respect to a similar question, we have reason to suppose that a proposition like that upon the Table, whether presented in the shape of a Bill or in any other form, would be rejected there by at least as large a majority as that by which it was carried here. Unless one hundred new Peers were created for the purpose, I apprehend it would be impossible to carry through the three branches of the Legislature any means for the diversion of a portion of the Ecclesiastical Revenues of the Church of Ireland to secular purposes. It is therefore right that the matter should be brought to an issue, that we may ascertain whether the House of Lords is prepared to assent to such a proceeding. I cannot conceive, whatever Government may be in office, that it would be prepared to recommend his Majesty to create a hundred Peers in order to carry into effect a resolution regarding an imaginary surplus—I call it imaginary, because I am convinced that on inquiry it will turn out, like the Croker Mountains, to have no existence. Instead of a surplus, there may be found a deficiency; for the number of clergymen in Ireland, I contend, is inadequate to the duties they have to discharge; at least none of them can be dispensed with. I beg,

therefore, that the noble Lord will inform me whether he means to communicate his resolution to the House of Lords?

Lord John Russell: The hon. Member asks whether I mean to communicate the resolution to the House of Lords, and he tells me that it is his opinion that it will not be adopted there. My answer is, that I do not propose to communicate the resolution to the House of Lords; but I do not participate in the opinion he entertains that there is anything in the resolution, when presented in the shape of a legislative measure, that will not pass the House of Lords. I found my opinion upon the precedent which I quoted the other day as to the course the other House of Parliament adopted upon a very great question—a question which certainly disturbed and excited the religious feeling of the people of this kingdom more than any other that I remember—I mean the question usually known by the name of Catholic Emancipation. In the year 1828, after a resolution on that subject had been carried in this House, by a majority of six, it was determined to communicate it to the House of Lords. It was there moved by the Marquess of Lansdowne, and, without recollecting the precise numbers on each side, I believe it was rejected by a majority of forty votes. That result would have induced one to think that no Bill for Catholic Emancipation would be allowed to pass. History, however, informs us otherwise: it informs us that, in the following year, a Bill was proposed to the House of Lords, which had received the previous sanction of the Ministers of the Crown; and the measure being recommended by the Crown, it passed the House of Lords by a majority of ninety or one hundred votes. Therefore, with the leave of the hon. Member, I shall profit by that experience. I do not propose, in the first instance, to communicate the resolution; but I feel convinced that when we have obtained the sanction of the Crown to the proceeding of this House, the House of Lords will not refuse to pass a legislative measure which, in my opinion, will promote the security of the Church of Ireland and the peace of the whole empire.

The Report was read. On the question that it be read a second time,

The Chancellor of the Exchequer said: This, I apprehend, is the main resolution which we shall be called upon to vote; it is, in fact, exactly the same that was adopted last night. As there is no rational ground to suppose that the change from a

Committee where it was carried, to the whole House where it is to be confirmed, will make any difference in the view taken of the question, the noble Lord will not infer the slightest alteration of opinion in those who resisted the resolution last night, if we do not now think it necessary to press the question to a division. The reason why we do not is because the noble Lord has given notice of another motion, the purport of which, we have been informed, will be that this House will not consent to any Tithe Bill of which the principle of the resolution does not form a part. Upon that I shall certainly take the sense of the House, which will preclude the necessity of wasting time upon the resolution just read.

Report read a second time.

Lord John Russell then rose, for the purpose of proposing his resolution, "That it is the opinion of this House, that no measure upon the subject of tithes in Ireland can lead to a satisfactory and final adjustment, which does not embody the principle contained in the foregoing resolution." He said that, after having occupied the attention of the House lately on various occasions, he hoped it would not be necessary for him to enter into the subject to which his motion referred, at any great length upon the present occasion. Yet there were some considerations connected with it, which he felt bound to notice. After the House had declared, first by a Resolution in Committee, and then by assenting to the Report of that Committee—that any surplus which might remain of the revenues of the Irish Church, after providing fully for the spiritual instruction of its members, ought to be applied to the general education of all classes, he should think that it would be only aggravating the disappointment, and exciting the feelings of the people of Ireland, if they did content themselves during the present session with passing a Bill on the subject of tithes, which did not contain some provision embodying that declaration. After having thus proceeded, and after having thus naturally excited the hopes of the people of that country, the House ought to pass, as a legislative Act, some measure to that effect, as well as any other provision on the subject of tithes which they might think fit to adopt. Any one, who considered fairly the Question at issue on the present occasion, must see that it was a great question of principle on which the two sides of the House were opposed. The principle on which the late Government

were disposed to act was stated in a speech to be found recorded as having been delivered by his noble friend (Lord Spencer), who sat then on the other side of the House as the leader of his Majesty's Government. It was this: "Most undoubtedly the Government did think, and he was prepared as a member himself of the Protestant Church, to assert, that it would be most advantageous to the Protestant religion in both parts of the empire not to continue in Ireland that irritation which was consequent upon the present distribution of Church-property in that country. It was impossible for any man, who looked with reasonable feelings upon the present system of distribution, not to say that so large an appropriation of property for the ministers of so comparatively small a part of the population was calculated to diminish instead of increase the number of Protestants in that part of the realm, because it was manifest that much dissatisfaction among the other sects was inevitable. With respect to the right of interference, he could not conceive on what grounds hon. Gentlemen opposite, who were opposed to the Government on this occasion, but who had conceded the right of Parliament to deprive one corporation of a portion of its property to confer it upon another, should urge that the Legislature had no right to apply the Church revenues to other purposes—he meant moral and religious purposes."* That was the statement of principle made by his noble friend at the end of the last session, and that was the principle on which, if he had continued a member of that Government at the beginning of the present year, he, and those who acted with him, would have been prepared to proceed. Now the right hon. Gentleman on the other side of the House, and those who acted with him, had on the other hand, declared their adherence to a totally opposite principle—namely, that they did not consider moral and religious education to be a purpose strictly Ecclesiastical, and that to purposes strictly Ecclesiastical they were determined to confine the appropriation of the revenues of the Church. It was on that great question of principle, and not on any question of inferior consideration—not the question of the continuance of a Ministry, though that would be an important one also—that the House had decided the other night. He contended that having so decided, it behoved the House to continue the work which it had begun, and

see that the principle which they had asserted—the principle which they had held to be essential to the peace of Ireland, and the fulfilment of justice in that country, was carried into effect by means of some legislative measure. A right hon. Gentleman opposite (Sir H. Hardinge) had proposed the introduction of a measure on the subject of Irish tithes; and he (Lord J. Russell) would state that he was surprised, as that right hon. Gentleman had been allowed every facility for bringing in his Bill, that the Bill had not yet been introduced. As the measure itself was not before the House, his knowledge of it could only be founded on the statement of the right hon. Gentleman when he had obtained leave to bring it in; and from that statement he (Lord J. Russell) did not think that it afforded any hope of accomplishing what was promised in the King's Speech—a final and equitable adjustment of the question. He did not think that any adjustment could be final or equitable, which continued to leave 75 per cent. of the great sinecure livings which existed in the south of Ireland, or which kept alive those sources of irritation and discord which arose from the circumstance of such large revenues being applied to the exclusive benefit of the Church, while the moral and religious instruction of the greater part of the community was totally neglected. He thought, moreover, that the Bill had another very great fault in it—a fault not originating with the right hon. gentleman who brought the measure forward—but which seemed to have been inherent in our government of Ireland on so many occasions. It appeared to be almost an obvious principle of government—and more particularly in the case of the government of Ireland—first to make the law just, and afterwards to maintain it. The principle adopted in regard to Ireland, seemed to be of an exactly contrary nature. It was to take no pains, to use no care, in order to render the laws just, and to adapt them to the feelings and habits of the people of that country; but, after making bad laws, to connive at, and almost to approve of, the violation of them. At the end of last year, there had been, as was well known, an Irish Tithe Bill in the House of Lords, which was rejected by that House. It might have been thought, that those who were concerned in its rejection, would have done every thing possible to maintain and uphold those who continued to pay tithes, and to discountenance those who resisted the payment of them. But the fact was, that

* Hansard, (third series) vol. xxiv, p. 754.

according to the Bill now brought forward, it was proposed to proceed just the other way, and excuse all those who had hitherto not paid a farthing of tithe from being bound to pay the full amount of it, and to supply the deficiency of revenue thereby occasioned from the portion of the Million Fund remaining unapplied. He must say that he thought it desirable if possible to give some encouragement, and attach some reward to those who had obeyed the law, and come forward to pay what was legally due from them, and at the same time to afford no advantage to those who have disobeyed it more than is possessed by those who had observed its provisions. He thought, therefore, that the Bills hitherto proposed on the subject of Irish tithes, although they contained many good provisions, were yet incomplete, as keeping up that main grievance, as he considered it, of which he had spoken the other night, and not providing for the removal of other evils which ought to be removed. In his opinion the Bill which was to be brought before the House by the right hon. Gentleman opposite, could not be satisfactory without some provision framed in accordance with the principle which the House had lately determined to assert. The right hon. Baronet opposite (the Chancellor of the Exchequer) had declared that he could not, consistently with his feelings of duty, agree to any such provision. But if the Ministry could only stand by succeeding against this principle, he did think that it was far better that the principle should succeed, and that the Ministry should fall. He should therefore move—That it is the opinion of this House that no measure upon the subject of tithes in Ireland can lead to a satisfactory and final adjustment which does not embody the principle contained in the foregoing resolution.—If it were to be successful, there could be, in his opinion, no difficulty, as soon as a sufficient number of reports should be received from Ireland, on the subject of the Commission appointed last year, in framing clauses sufficiently comprehensive of the principle which had been adopted, and to provide for such a distribution of the revenues of the Church of Ireland, as might enable them, after the spiritual wants of the Protestant population had been fully supplied, to devote a large sum to the purposes of education.

Sir Henry Hardinge rose to make a few observations on what had fallen from the noble Lord, in reference to the provisions of the Bill which was about to be intro-

duced on the subject of Irish tithes, and the nature of which the noble Lord had understood in a manner very different from the impression which he (Sir Henry Hardinge) had intended to convey when he first addressed the House on the subject. The noble Lord assumed that there was great injustice in the Bill in question, to the effect that those who had obeyed the law had no boon conferred on them, while those who had resisted the law were to escape from the payments. There was no such provision contained in it. Those who ought to have paid compositions for 1834 would be called on to pay them, as well as the landlords who had already paid them. He had stated, that the poorer class of tithe-payers would be exempted, because the collection of tithe from them could only be accomplished by the aid of military force. The reason he had given for taking such a course was, the danger that must attend the collection in such cases. As they had permitted the late Government, by the loan of a million to pay the clergy for the years 1832, 1833, and 1834, out of the public purse, and had relieved the tithe-payers from the necessity of paying tithe which they ought to have paid, it would be impossible, he had contended, in consequence of the establishment of such an example, to levy the tithes of 1834, without having recourse to military force. He had stated, in the most distinct terms which he could use, that the conviction on the minds of the lower classes of the people of Ireland had been such, in consequence of that loan, that it would be impossible to levy tithe on them by distraint, without having recourse to the means he had mentioned. The class of tithe-payers to be exempted was the poorer class, and not the richer class, who had entered into the composition; and when the noble Lord said, that the Bill to be introduced was marked by injustice in this respect, he certainly could not have been aware of its real provisions as they had been explained on a former occasion. The contrary was indeed the case; those who owed a tithe composition for the year 1834 would be sued and forced to pay it in the same manner as others had already paid it. The distinction was this: those who were to be sued would be sued by civil process, and as they were landlords immediately above the occupying tenant, there would be no necessity for distraining on them for the tithe. The sum remaining on hand of the Million Fund would be applied to make up the deficiency to the tithe owners,

With respect to the Resolution before the House, he wished to ascertain from the noble Lord what he considered to be a surplus? Would he consider the surplus to be that which would exist after the clergy had been paid whatever the Legislature might deem it fit to afford them? or would he adhere to the line of conduct which had been laid down when the noble Lord, the Member for North Lancashire (Lord Stanley) was a Member of the Government, and when the Church Temporalities' Bill was introduced? On that occasion Earl Grey, the head of the Government, stated, in distinct terms, that after the clergy had received that which was appointed for them under the proposed plan, there was to be a portion of the revenues set apart for the augmentation of small livings, the building of churches, and the building of glebe houses. A provision for these objects that noble Earl considered to be so important as to state that in his opinion no appropriation of the Church revenues should take place without it. In the speech with which he accompanied the introduction of the Church Temporalities' Bill in the House of Lords, he stated that the Church-cess would require 60,000*l.* the augmentation of small livings 46,000*l.*, the building of churches 20,000*l.* and the building of glebe-houses 10,000*l.* making a total of 136,000*l.* to be applied to these purposes, after the clergy had been sufficiently provided for. If there were a surplus—a fact which he denied—but in case there should be one, did the noble Lord intend to apply it in the first place to the augmentation of small livings to the extent of 46,000*l.*? Or, what was the course which it was intended to take? While upon the subject he would beg to call the attention of the House to a report which had been presented within the last three or four days from the Ecclesiastical Commissioners, in which they stated that there were a great number of individuals who had applied to them for loans, in order to construct churches, and who had offered in some instances to contribute one-half of the expense, and in others three-fourths of it; but such, they added, was the state of the funds of the Commission, that having 70,000*l.* to spend, and only 19,000*l.* or 20,000*l.* of receipts, they were obliged to refuse all applications of the kind. The fact was, that at present, the augmentation of small livings, the building of churches, the building of glebe-houses, and everything leading to the improvement of the Church of Ireland was at a

stand-still, and so far from the Commissioners having a surplus, they were considerably in debt. They stated that had they been enabled to hold out any encouragement, the applications would have been, under such circumstances, far more numerous; very many applications, they added, had been made from incumbents for the building of glebe-houses, and for the augmentation of small livings, and those they regretted to say, had, from the want of surplus funds, met with no better success. It appeared, therefore, that there was everything but a probability of the existence of a surplus at present. With regard to the resolution of the noble Lord, he, for one, felt that if it were embodied in any Tithe Bill, it would place the Government of Ireland in such a position as must render it perfectly impossible to conduct it with justice and satisfaction. Under such circumstances, he felt that it was a practical difficulty—a practical obstruction which the noble Lord was interposing in preventing him (Sir Henry Hardinge) from bringing in the Tithe Bill which he had already explained to the House; and if the decision of the House were to be in favour of the noble Lord's proposal, no consideration on earth should induce him to be a party to the introduction of a measure in which was embodied such a Resolution—a Resolution by which he considered that the destruction of the Protestant Church must eventually be caused, and considerable difficulty must occur to the general Administration of the country, while many scenes of tumult and bloodshed would, he was afraid, be caused. It would be impossible for any Government, entertaining the principles and the feelings of honour which the present Government entertained, to carry into effect a measure which had engrafted on it such a Resolution as that proposed by the noble Lord. He would not detain the House further—he would simply repeat, that if the Resolution of the noble Lord were to pass, he (Sir Henry Hardinge) would not be the person to bring in a Tithe Bill embodying it.

Lord John Russell said, he would endeavour to answer the question which the right hon. Gentleman had addressed to him. His view in considering the subject was this—in parts of Limerick or Kerry, where there existed a great number of parishes containing no Protestants or only a very few, there would arise a surplus, in consequence of there being too many benefited

Clergymen to perform the duties required on behalf of those Protestants. He should propose to take away the whole revenues of those benefices which were not needed, in order to apply them to the augmentation of small livings, and the building of Churches and of glebe-houses in Armagh and Down, where such application might be called for: the surplus then remaining he should propose to apply to moral and religious instruction in the district.

Mr. *Baring* said, that the practicable point was, whether there was a surplus or not, and surely if there were not, it never could be the intention of the House to make this merely a party question. He really thought it worth while first to ascertain if there were a surplus, as the noble Lord could not be conjuror enough to apply an imaginary surplus. Such an intention would be senseless and absurd, and contrary to the common sense of the House, which would vote the destruction of benefices when a report then before the House might show their funds were ineffectual. What was to prevent the noble Lord, supposing he were really honest in his view, that his Motion was not urged on to serve party purposes, or to put his antagonists in a position from which it would be impossible for them to escape, that it was simply to tranquillize Ireland and support the true interests of the Church Establishment—what was to prevent the noble Lord, he would ask, from waiting for the necessary information respecting the surplus? If these were the noble Lord's real objects, the only reasonable course he could adopt was, first, to ascertain what surplus or sinecure benefices could be taken away, and, secondly, what was the proper mode for the application of their proceeds. With respect to the noble Lord's statements he should beg to ask the noble Lord was the Tithe Bill to be framed or supported by him to contain distinct provisions for the temporary extinction of the several benefices to which he had alluded, in addition to a recognition of the general principle of the Resolution? Would it specify the circumstances or the period at which it became necessary to deprive the incumbents of their respective benefices, and take away the Protestant pastors from each parish? Surely in such a case, where not alone the interests of the Church, but the feelings of a whole people were concerned, it behoved the House to proceed cautiously, and, above all, not to attempt to legislate in entire ignorance of the subject which they

were called on to deal with. There was as yet no report from the Commission of the last year. Perhaps the noble Lord knew when it would be made. There was scarcely any information whatever on the subject—certainly none sufficient to legislate on. But, perhaps, the noble Lord would favour the House with an idea of the nature of the clauses to be introduced into his Tithe Bill. He (Mr. Baring) would take for granted the facts adduced by the noble Lord and supplied by the right hon. Member for Cambridge. He would suppose, for the sake of the argument, that there were various parishes circumstanced as these facts purported to prove. In any measure which the noble Lord might introduce to remedy the evil complained of he should not only specify the circumstances under which the Protestant pastors should be deprived of their respective parishes—not only provide against all contingencies which might occur—but also specify how and under what circumstances they were to be restored to these parishes, and also to provide the requisite means of doing so in case, as the hon. Member for Weymouth put the question to the House, the number of Protestants in them should have increased to the necessary point. He (Mr. Baring) should wish the House and the country to be aware that every hon. Member who spoke on the opposite side differed in his view of the measure from the other—and that almost all the supporters of the Resolution entertained conflicting sentiments and opinions on the same subject. Some of the hon. Members thought that the whole Protestant Church Establishment in Ireland should be destroyed. Such, as far as he could collect, was the tenor of the observation of his hon. Friend the Member for Staffordshire. He believed his observation was to the effect that the Irish Church Establishment was a great nuisance, and that the country would not be satisfied until it was destroyed altogether. Other hon. Members on the same side—the hon. Member for Halifax among the foremost of them—on the contrary, expressed it as a condition of the measure that the Protestant pastor should not be withdrawn from the parish as long as a single Protestant remained in it, the object of the Resolution being to destroy the sinecure portion of the Establishment and not to touch that part which was useful. Other hon. Members differed from these in a greater or lesser degree, through various shades, but these were the grand

divisions of opinion on the opposite side on the subject. With such different views, and such a wide variance in opinion on the same matter, he (Mr. Baring) would ask how was it possible to legislate so as to please both parties and meet the wishes of those of opposite sentiments. [Mr. *Littleton* ? said, his right hon. Friend was mistaken in imputing to him a wish to destroy the Church Establishment in Ireland.] His right hon. Friend denied that he had any intention of destroying the Church, and the denial was to be taken as his right hon. Friend's sentiment ; but he could not help saying, that his impression to the effect he had stated had been very strong indeed. The noble Lord talked of the measures a one of final pacification for Ireland ; but he (Mr. Baring) thought the contrary would be found to be the case. He did not think it was possible for the mind of man to conceive anything more capable of creating and perpetuating feuds and bad feeling among the people of that country than the establishment of such a general and vague principle as the appropriation of an indefinite, perhaps a non-existent, surplus of Church-property. The collision and the feud would begin, not in parishes where the Catholic and Protestant were nearly equal—not in those parishes even where they were as 500 to 5,000—but in those where they were in the proportion of ten, twelve, fourteen, seventeen, or twenty to 1800, 2,000, or 3,000. If the provision of the Protestant rector were left in proportion to the Catholic clergyman as ten to one, then nothing was done for the pacification of Ireland ; and yet that was a portion of the principle in detail as advocated by hon. Gentlemen opposite. In cities or towns where the Catholic and Protestant population were unequal, there would be a constant state of warfare, and the Catholics would take all opportunities of diminishing the numbers of the Protestants, in the hope of reducing them below the point at which the expense of contributing to the support of the Church was compulsory on them. When it would come to such a point that it only required the absence of ten Protestants, he would suppose, to relieve the Catholics from the payment of a Protestant clergyman, how much strife and how much bloodshed, how much feud, and how much dissension, would there not be until those ten unfortunate beings should be banished from the place. And then to talk of returning was idle. They would be kept away by

some means or other—by death's head and cross bones, or by some method equally effectual. The Protestant and Catholic would thus be compelled to live in a state of continual animosity and warfare, while the noble Lord and those who by supporting his Resolution caused that state of things would of course call it final perfection. He (Mr. Baring) had the greatest respect for his hon. Friend, the Member for Weymouth. He believed, that he was sincerely attached to the Church of England, and that he would do nothing wilfully to injure her interests ; but he believed also that in the course he had taken on this Question he was much mistaken. He would put it to that hon. Member, and to the House, whether, in consideration of the whole subject, the principle of the noble Lord's Resolution was not alone calculated to injure vitally, but to destroy the Church of Ireland ? He did not intend to trespass farther on the attention of the House ; but he could not help asking whether there was any earthly necessity to press the Resolution of the noble Lord at present. If the hon. Gentlemen on the opposite side chose to deal with the Church of Ireland they should, in common propriety, deal with it only when the reports of their own Commission should be laid on the Table of the House. He would implore them to consider the evils they were about to entail on Ireland by the course which they had begun, and before they proceeded further to bear in mind that the result would be the substitution of the Catholic for the Protestant Church in that country. If they wished to accomplish the end which they professed to have in view—the pacification of Ireland—he could assure them, that they could not take a more unsatisfactory or a more ineffectual mode to accomplish it.

Mr. *Henry Grattan* said, the Secretary for Ireland is right—he tells us that if the principle of the noble Lord is carried, that it will not be possible to carry the Tithe Bill ; and if the principle is annexed to that Bill, that it will not be possible for Government to conduct the affairs of Ireland on their own principles ; that is, upon what they please to call Protestant principles, which means ascendancy principles—which means Orange principles. Here he states two impossibilities, but he forgot the third impossibility—that impossibility which he admitted on bringing in his Tithe Bill—and that was the

impossibility of collecting tithe in Ireland. See, then, the situation in which Ireland is placed, and in which the Protestant clergy are left. Government do not mean to employ the military in the collection of tithes—they propose a Bill which retains this tithe, though under a different name—they declare their inability to collect Tithe—they declare the Ecclesiastical Commissioners Fund is running in debt, and from no other source do they provide any provision whatsoever for the Clergy; the result must clearly be, that the clergy will be left to starve. Now turn to the plan proposed by the noble Lord—to make the income practicable, he offers diminution in amount, which Government also does; but he adds a new appropriation, which Government does not. With this addition, you may, perhaps, levy a sum for the Clergy, but without it, you will certainly fail. Your present Tithe Bill cannot be agreed to by the House, and even if agreed to would be inefficient. The difference, therefore, between these two measures is the difference between the two parties. The people would object to that measure in your hands, which they might agree to if proposed by the noble Lord, because in you they place no confidence: they look to men no less than to measures, and they judge of you from the men you have promoted, as well as from the principles you have acted on. They see in you their old task-masters, the inveterate opponents of any new system of Reform, and the supporters of the old abuses—they expect nothing sincere or real, and they conceive that you put on a mask, in order the better to deceive. Your speeches, those protracted debates—seven nights and fifty-two orations—will have no effect to calm the minds of the people of Ireland, if you reject the Resolution. The Irish judge of you by the principles you act on, and by the men who are to carry those principles into effect—they will decide against the Government, and the result will be, that discord and dissension will be perpetuated in Ireland. Much abuse and many idle words have been lavished. This is called a revolutionary measure—the work of spoliation, of faction, and of party. I ask what party?—Ireland. What faction?—Seven millions of people!! But there is another party and another people equally concerned—the people of England. Petitions lie on our Table for the repeal of the Malt-tax—for the repeal of the Window-tax—for relief on account of agricultural distress. We cannot comply with these, so

long as you indulge in so expensive an Establishment in Ireland. See what that country costs, and what the Established Church costs in advances of money, and in votes from this House, in the military establishment kept up in time of peace, and the naval establishment that you would be obliged to maintain in time of war—23,000 regulars, and near 8,000 police and other armed forces are kept up in Ireland—a force of 31,000 men—a force much larger than you keep up in India, or your Colonies, and far more expensive. The people of England, I say, are mainly interested in this Question, and in vain will you call on them to sign Protestant addresses—in vain will the right hon. Baronet see the walls, and the taverns, and the pastry cooks' shops placarded with his name, with addresses to him and addresses to the King, and cries that the Church is in danger. England will understand and will not respond—she sees that self-interest is at the bottom, and that if she persevere to uphold such an expensive Church system in Ireland, she cannot hope to reduce the expensive Establishments kept up in her own country. To alarm the public and to deceive them they have gone further; and at the meeting in Willis's rooms yesterday, some Members of this House attended; they state the plan of the noble Lord is “to augment the power and influence of the Roman Catholic Church in Ireland at the expense of the Protestant Established Church of the United Kingdom.” That so unfounded a charge should be made is indeed surprising, and is only equalled by the extraordinary want of information and veracity that has marked the opposition to this Measure. The noble Lord purposes to educate the people from the funds formerly allotted to this very purpose, and this is called, by Gentlemen opposite, adding to the influence of the Catholic Church. What then becomes of their argument—when they state, that if the Catholics get knowledge they will quickly see the propriety of the Protestant mode of worship, or do they mean to make proselytes, and will they contend that the schools should be Protestant for the children of Catholics: and that if this is not the plan, that the influence of the Catholic Church is augmented; if so, why then have they objected to the new Board of Education? In fact, they answer their own arguments—and one statement completely refutes the other. With respect to the charge of faction brought against the

noble Lord—a desire of place—a wish to expel from office the right hon. Baronet by pressing this Resolution, allow me to observe that the Motion is not new—it was in effect, and almost in words, agreed to by the majority of the Irish Members in 1831; and a Resolution, stating that “this species of property should contribute to a fund for supporting and promoting religion and charity,” was submitted to the House by the hon. Member for Wicklow, seconded by the noble Lord (Carey); and another Resolution submitted was, that the application of the fund and the distribution should be left to the decision of Parliament. How then can it be said that it was faction in the noble Lord. Further, an Amendment was last year proposed to the Address in answer to the King’s speech; I had the honour of moving it; in the Records of Parliament it appears, and though the words are altered, the spirit is preserved. This is a third proof of what I assert, and it is in the letters of Lord Wellesley in the last year, and of Lord Anglesey, which the Government have in their office, written in 1832; there they will see that the Lord-lieutenant of Ireland gives it as his recorded opinion after two visits to Ireland, and a personal inspection in all parts and of all branches, first, “that the Protestant Establishment far exceeded the wants of the Protestant congregation;” next, “that instead of strengthening the connexion between the countries it weakened it,” and that “the time had arrived for such just and salutary Reform in respect of this establishment, as would place at the disposal of the State a National Fund to be applied to national and necessary purposes.” Here you see Lord Anglesey goes further even than the noble Lord. And what is their authority?—the Viceroy of Ireland—the man chosen and sent over first by the Duke of Wellington. He lastly adds, and let the right hon. Gentleman opposite advert to it, “the time has now passed when the will of the Minister can determine the Acts of the Legislature.” Sir, this is not the only evidence I can adduce to show that any measure of tithes would be inoperative and worse than useless unless we added the principle of the noble Lord’s Resolution; and this will further refute the charge of faction and party that has been so liberally lavished by gentlemen opposite upon the opposition. I refer to the evidence before the various Committees on the subject of tithes, and of Ireland to that of Dr. Doyle, General Carrol, Mr.

Montgomery, Mr. Blakely, Birmingham, Mahony, and others; they say that without a new adjustment of Church property satisfaction cannot be given to Ireland; that there must be a re-adjustment of Church property, a restoration to the purposes it was originally granted for, and a fulfilment of that trust; they add, that what was practicable some years ago was not practicable then; and out of twenty-six witnesses the majority are of opinion that alterations, limitations, and radical changes in the Church system in Ireland were absolutely necessary; therefore, with them, I say that what is practicable now may not be practicable hereafter; with them, I say that the public mind and the march of national feeling must be consulted or considered, and if we delay it this year, we may not be able to effect it the next. Sir, I think the charge of faction is disposed of; now for the question of the hon. Member for Caithness, who has just sat down. He asks whence is the surplus? Let me ask him his opinion of a parish where there is no Protestant parishioner, no duty to perform, and when the Protestant rector got 400*l.* or 500*l.* or 600*l.* a-year for doing nothing? What will he say to that state of things—is it just, is it honest, is it consistent with the principles of common sense and the duty, which, as Christians, we owe to one another? My opinion, therefore, is, in all such cases, provide for the vested rights of each party, and on their demise let the revenue form the Surplus Fund for the moral and religious purposes proposed, and for the education of the people, and construction of places and buildings for that object. I turn now to the amount of the property belonging to the Church. The tithes to which they are entitled amount to 600,000*l.*; the number of acres in possession of the Church, or returned to Parliament, amount to upwards of 600,000 of profitable, and 150,000 rough or waste, or of English acres about 1,200,000. The 600,000 acres are valued variously: in common at 1*l.* 15*s.*, in others at 1*l.* 10*s.* per acre—let us say 1*l.* per acre, and the waste at 5*s.* per acre, that would give 740,000*l.* Add to this the value of 800 glebe-houses, say 16,000*l.*, that constitutes a property of 756,000*l.*, and 600,000*l.* of tithes, altogether 1,356,000*l.* to support the spiritual wants of 1,000,000 of Protestants. As men of sense, as statesmen—as men claiming a love of justice, we are called on to change this monstrous system, and reduce

this establishment, which is injurious not only to the people, but which, in itself contains the seeds of self-destruction. See on the other hand, what the Catholic establishment costs: for the spiritual wants of 7,000,000 of Catholics we find a sum little exceeding 300,000*l.* a-year. If hon. Members do not blush at this—if they do not feel a sense of shame—if they conceive that justice does not enter into this question, let me appeal to their other senses, and let us look to the example that other countries afford. In the French budget, two years ago, the Minister of the Interior stated the whole expense of the Church Establishment of France. It amounts to 25,000,000 of francs, or a little more than 1,000,000 of our money. This for the spiritual wants of 20,000,000 of people, and in that sum will be found about 1,000,000 of francs for the purposes of education, and 200,000 francs for repairing and building of Churches. I ask, then, boldly, what reply can be made to us when we call on you to learn something from those examples, and to adjust the Establishment to the wants of the people—look to the Catholic in Ireland and the Catholic in France; here are precedents to follow—in the humility not in the extravagance of true religion: here men will find a sacred spirit more akin to Christianity than that which others have preached or ever practised; and let not men think they get rid of an answer and exposure by abuse, and applying harsh names to the Catholics, and calling their religion vile and superstitious—in private they would not presume to say this, why then expose their understandings by making false assertions, derogatory to the dignity of statesmen, derogatory to the precepts of piety, no less unfounded in fact than unfair in argument; and injurious not to the people whom they attack, but to the religion which they profess, and which they thus detract from and degrade. They say this resolution is nothing, that it is a mere shadow. I reply this resolution is good for the principle it embraces. What would they say if, in past times, Mr. Hampden had been thus addressed—you form a resolution against paying twenty shillings of Ship-money to Charles the First, there is nothing in it—twenty shillings is a mere shadow—pay the paltry sum, and avoid the risks and fatal consequences from such a resolution'. In the past if such doctrine had been listened to, England might still be a slave. In this case the principle is every thing—that principle, which, under the term Church,

comprises all people of every class, creed, and denomination, and whose necessities, spiritual and temporal, should be considered; that principle stated by Mr. Blackstone, repeated from the oldest practice and the best and most serious authorities, to make the Church contribute to that fourfold division which I shall always insist on providing for the poor as well as for the Priest, building the Church for the latter, and instructing and clothing the former: this is true religion, this is real piety—Catholic or Protestant—all are alike placed beneath this eternal, this unalterable, this sacred rule of justice, of charity, and of religion. Sir, allusion was made in the course of this debate to the speech of the late Mr. Grattan in 1819, as if he had advised the upholding of "Protestant ascendancy." The Recorder of Dublin, with his accustomed dexterity, wished to impress the House with that idea. The right hon. Member is mistaken. The speech in question does not bear out any such construction. Mr. Grattan was always an advocate for the Protestant Church Establishment, but not for the ascendancy of any sect—still less for the governing by any such ascendancy; and this is illustrated not only by his numerous speeches, but in a letter which he wrote to the Board of Education in 1811, and which so applies to the resolution of the noble Lord, that it is not possible to overlook it; he there recommends parochial schools on a far more comprehensive "foundation than those directed to be kept—not only for the study of the English tongue, reading writing, and arithmetic, but the study of books of horticulture and agriculture, and treatises on the knowledge and care of trees"—that the Christian "religion should be taught, and the four great duties of man, duty to God, duty to one another, duty to the Country, and duty to the Government—that one great object of national Education should be to unite the inhabitants of the Island; and that the schools formed on a plan of national Education, which teach the English language, should not attempt to teach the English religion, because the Catholics who would resort to those schools to learn the one would keep aloof if we attempted to make them proselytes to the other, and we should, by that attempt reject one great means of uniting our people, and add a real division on the ground of politics, to the imaginary division on the ground of religion." Wisely, then, has the noble Lord adopted the line suggested to-night, and the authority here quoted supports the principle

of the resolution as well as the words of it. In the name of the noble Lord, we have a security that the Protestant Church will not be endangered, while we have the guarantee that the people will be educated, assisted, and relieved. Let the members of the Protestant Church consider what by law they were bound to do; let them turn to the act of the 12th Eliz. c. 1, and there they will find schools were to be built and kept, the masters paid and supported out of the revenues of the Church. The act says, that there shall be a free school within every diocese of the realm of Ireland—that the schoolmaster shall be an Englishman, or of English birth of this realm—that the Bishop of Armagh, the Archbishop of Dublin, the Bishops of Meath and of Kildare, and their successors for ever, shall have the nomination and appointment of schoolmasters of their several dioceses, and the Lord-lieutenant and his deputy the nomination and appointment in the other dioceses. The school-house for every diocese to be built in the principal shire town of the diocese at the cost of the diocese—that the Lord-deputy, with the advice of the Privy Council, shall appoint the salary and stipend of such schoolmaster as he and they shall think convenient, whereof the ordinary of any diocese shall bear yearly for ever the third part, and the parsons, vicars, and other Ecclesiastical persons of the same diocese shall pay yearly and for ever the other two parts, and that all Churches and Ecclesiastical livings come to the possession of the Queen's Majesty shall be charged to this payment and contribution. In this Act, then, we find the principle of the Resolution. Here is the very source from whence the noble Lord takes the precedent, which makes the Church contribute, and which compels them to pay for the building of the schools, and the master for instructing in such schools, and fixes the charge upon the Protestant Church and their successors for ever. What, then, becomes of the argument that this proportion is revolutionary—that it tends to pull down the Protestant Church, and that it is a plan of spoliation got up for the purposes of party and of faction. Here, I say, is the answer—the best answer—taken from the law of the land which has been disregarded, and proves the prescribed duties of the Protestant Church, which has been neglected or violated. Let me now appeal to hon. Members opposite: their wish, or will, or views, must be the prosperity of

our country, her peace, and her happiness. I ask them whence comes it that we are at variance with each other, and that men of kind, gentle, and humane dispositions, should find it impossible to agree with those who profess a diversity of religious opinion. In England it is not so: among Englishmen at this and that side of the House there does not exist such a spirit of animosity, such deadly heartburnings, and domestic feuds as are found among Irishmen—feuds that destroy our domestic peace, poison every social intercourse, wound and vex us even at our own firesides, and fret the most sensitive parts of our existence till they destroy the noblest feelings of the human mind, and make the finer passions and our virtues our greatest tormentors. I ask how long shall we be left in this state of deadly discord? How long shall our country be left the sport and prey of racking whirlwinds? I therefore implore them to meet half-way; let them abate somewhat of their accustomed supremacy; those at this side, and the extremest Catholic, will be ready to soften down his offended feelings, and to join heart and hand in the common effort, to restore tranquility to our common country. For 300 years this ascendancy principle has been tried. Change the system and attempt another. What should we say if any of those Gentlemen opposite, sensible men in many matters, were afflicted with sickness, and brought by their physician and his medicines almost to the brink of the grave, if they obstinately refused to call in another attendant or to try other medicines, but still persevered in the old course and the former prescriptions? In all probability we should, in this case, have followed the hearse of the gallant Colonel instead of listening to his speeches. One part of the gallant Officer's speech (the Member for Donegal) I heard with much satisfaction. With strong feelings on this subject, and opposed to this Resolution, he stated that in the relations of social and domestic life, he observed no distinctions, and to him it was the same whether a man was a Catholic or a Protestant—whether his tenant or his servant they received equal consideration. This does him credit, and I applaud such a line of conduct, but I know it is not the case in general. I know that great and undue preferences are given to Protestant servants and to Protestant tenants. I know that a relation of mine lately lost a farm that had been in his family for a century, because he was not considered

sufficiently Protestant, and he was obliged to make way for a Protestant colony from the county of Monaghan. Again, in the county of Meath, a friend of mine was turned out of his farm though he offered five shillings an acre more than the person who got it, after having been long in possession, yet he was turned out because he was a Catholic, and the farm given away, without warning or civility, to an individual who was a Protestant imbued with very strong party principles. This was not the result of local or electioneering feelings, but of a determination to get tenants of the ascendancy party. Now in my humble opinion we must condemn such proceedings—they disgust individuals, they injure the country, and they divide instead of uniting it. The imagination of some hon. Members is perverted by the idea that we are bent on pulling down the Church to which we belong. This, as far as I am concerned, is unjust in the extreme. I would go forth with any of the gallant officers opposite to defend that Church and to contend for my religion with as much zeal, and sincerity, and principle as they would; but I will not go forth and appeal to the people with a nonsensical placard in my hand and false charges on my tongue, I do not think the Church is in danger—I would neither be a hypocrite in politics or a bigot in religion. I know of no intention on the part of the Catholics to subvert my religion. I well know that two parties of different creeds can go on together fulfilling all the duties enjoined to us by our Creator, equally attached to the principles of virtue, of charity, and of piety; both sincerely attached to their king, and truly loyal to their common country. And this, Sir, is all that the State can require of us; and this, I conceive, whether Protestant or Catholic, is true religion. I again repeat—I again call on hon. Members opposite to adopt this alteration in the system—let them abate somewhat of that religious intolerance or supremacy which has caused so much misery to Ireland—this has been the chief source of our calamities. *Hæc fonte derivata clades in patriam populumque defluxit*—let us dry up one source of difference, and let us beware how we open another; for if we close the door of peace, we may open another, and from it may proceed fresh differences, and future discord. Allusion has been made to the Repeal of the Union; I think not on it, but I warn men how they cut off every hope, and give rise to other expectations.

You must try to govern the people by their affections. Long ago Mr. Fox declared, that he would rather that Ireland were separated from England, than that she should be kept by compulsion: gain the heart of that people, and you secure them for ever—lose it, and you destroy our happiness, and your security.

Mr. Sinclair said, Sir, I am anxious to record my solemn protest against the Resolutions adopted by this House, which involves a flagrant encroachment on the temporalities of the Anglo-Irish Church—Resolutions which, in my opinion, are not only mischievous in their principle, but the sure harbingers of other measures more revolutionary and more destructive. The proceedings of this House, since the commencement of the Session, have, like many scenes in Shakspeare's plays, been ushered in by flourishes of drums and trumpets; in other words, belligerent notices of portentous import have, on almost every successive evening, been recorded in our books. Night after night has the gauntlet been thrown down by the noble Commander-in-chief of the Ultra-Whig Radical army, or by some of his subordinate coadjutors; but discretion has often constituted the better part of valour, and challenge has been followed by postponement. Even this proposition, although carried, ought not, I humbly conceive, to be decisive of the fate of the Government, more especially as its adoption will be received with alarm and anxiety by an overwhelming majority of those who are truly attached to the Established Church, and who would contemplate the resignation of my right hon. Friend with dismay. The press, with a promptitude scarcely credible, and with an accuracy never surpassed, has by this time enabled the people in every district of the empire to sit in judgment on the tenor of these measures, and on the arguments by which they have been supported or opposed. The hon. Gentlemen opposite profess to be attached to the Church; but if the old adage of *noscitur a sociis* be applied in this instance, must it not be the prayer of every one interested in its welfare, on seeing the confederates by whom they are cheered in this House, and applauded out of doors, that the great Head of the Church, who in all things has the pre-eminence, may protect and guard her against their friendship. By whom have the tidings of their success been hailed with exulting acclamation? Are the Clergy of the Established Church

numbered amongst those who rejoice? [*Laughter from the Opposition benches.*] Sir, I am not surprised at that cheer of derision. I have not now to learn that the slightest allusion to the feelings of the Protestant Clergy is sure to form a theme of contemptuous laughter to many gentlemen on the opposite benches, and that their opinions, as to the interests of the very Church in which they are invested with the pastoral office, are deemed unworthy of notice. Sir, the persons who exclaim, "so would we have it," in reference to these Resolutions, are the Unitarian, who abjures the Church's God, [*"No, no."*] who abjures, I say, the Triune Jehovah, the Father, Son, and Spirit, whom the Church acknowledges as their living and only God; the infidel, who rails at the Church's wealth; the Dissenter, who envies the pre-eminence of our Church; the Papist, who pants for the supremacy of his own. The triumphal car of the noble Lord will be followed by all the voluntary Churchmen, all the Republicans, all the Radicals, all the scoffers at Christianity, all the disciples of Carlile, all the votaries of Owen—all who long for the subversion of our ancient and inestimable institutions. How then can the Church place the slightest confidence in public men, who are urged on and encouraged in their course of spoliation by its avowed and inveterate enemies? Have they even any right or reason to complain if the heads of the Church would receive with distrust, or even repudiate with alarm, when emanating from such a quarter, any measures of reform, which they would be disposed to accept at the hands of other statesmen, in whom they recognised the cordial friends of the Establishment, and who would be prepared to make common cause with them in resisting ulterior innovations? Sir, my hon. Friend, the Member for Meath, has, on this, as on many a former occasion, in no very measured terms, animadverted upon the conduct and principles of the Orangemen of Ireland. These men, Sir, have been often held up within the walls of this House to public scorn and execration; and I must say, and say it with regret, that, whilst fiercely attacked, they have been coldly defended by those who do not stand in immediate connexion with them. For my own part, Sir, I consider the Orangemen to be the most uncompromising friends of British connexion, the most intrepid opponents to the Repeal of the Union, the most devoted defenders of the national Church, the most single-

hearted champions of the Protestant faith. If there be any thing illegal in the rules of their institution, let that evil be at once removed; if any of its members engage in criminal acts of wanton aggression, let them be punished with the utmost rigour, for giving the adversaries of a holy cause just reason to speak reproachfully. But I exhort the Orangemen, whether in good or evil report, to cleave to the hallowed principles for which their fathers fought and died; to keep up a confederacy which is rendered indispensable by the encroachments and menaces of their enemies—enemies, through whose machinations their lives, their property, and their religion are in jeopardy every hour—enemies, not only comprising the avowed Roman Catholics, but those semi-Popish, pseudo-Protestants, who are more culpable, and, perhaps, more dangerous. The Orangemen may speak strongly because they feel strongly; they know how much they have at stake, and they are aware of the strength and determination of those whom they are called upon to resist. They know that wherever there are Popish priests, there is a phalanx of organized conspirators to overthrow the Protestant Establishment, and to eradicate the Protestant faith—bound to aim at the accomplishment of this object, by a sacred principle of duty—exemplifying in their attacks a skill, a zeal, and a concert, which we should do well to imitate in our resistance to their encroachments. [*"Oh, oh."*] Sir, I repeat, that they are impelled to adopt such a line of conduct by the allegiance which they owe to the Bishop of Rome. Sir, how can the noble Lord's Resolution prove a source of peace or tranquillity? It will, on the contrary, like Pandora's box, sow the seeds of discord and confusion in half the parishes in Ireland. A line must be drawn somewhere between that numerical amount of population, which shall, and that which shall not, entitle a district to retain its Protestant pastor. Now is it not obvious, as has already been well observed, that a temptation is here held out to Protestant landlords, to eject a proportion of their Roman Catholic tenantry, in order to substitute such a number of individuals belonging to their own persuasion, as may prevent the Gospel candlestick from being removed? And is there not an inducement to the Roman Catholic landlord or his priest to drive Protestant tenants from their homes, that the Protestant pastor may be dispensed with? The noble Lord's

surplus will be reduced to *nil*, when the demands of the Protestant population shall come to be adjusted—when we shall ascertain where there is deficiency as well as where there is excess, either in the number of Protestant clergymen or the amount of income awarded to them on account of their spiritual ministrations. The surplus may be compared to a mathematical point, which has position, but not magnitude—or to a mathematical line, which has neither length nor breadth, nor thickness. The noble lord might as well hope, by pouring imaginary oil from an empty barrel, to calm the surges of the tempestuous ocean, as to pacify the troubles of Ireland by so nugatory a Measure as this. Sir, a great deal has been said, during this debate, on the subject of religious scruples—scruples which I respect and admire, when they prompt an individual to relinquish any privilege or sacrifice any revenue which by law belongs to himself, but which I hold in abhorrence and contempt, when resorted to as a pretext for invading the rights, or despoiling the property of others. I consider the rights of the Clergyman to one-tenth to be as sacred and indefeasible as that of the landlord to the other nine; and I see no moral difference between the conduct of the man who forcibly resists the payment of tithes to the rector, and that of the highwayman who puts a pistol to the breast of the proprietor, and claims from him a renunciation of his rent. Sir, if I acquired by purchase or inheritance an estate in the dominions of his Holiness the Pope, I should be quite aware that the priest had as good a claim to his tithes as I possessed to the lands. I should, therefore, give him every facility for obtaining his legal dues, though I would not contribute any portion of that which was my own, to build a Roman Catholic Chapel, or acquire for it a thigh bone of St. Ursula. Sir, allusion is often made to the case of Scotland. My hon. Friend, the Member for Dublin delights in advocating the days of our clans and claymores. But, Sir, for what were the Scottish Protestants contending? In the Roman Catholic times they were exposed to the fire and faggot arguments, by which Romish Cardinals and Archbishops evinced their respect for liberty of conscience and their Christian affection, for their Protestant brethren; and, in the days of Episcopal persecution, they were fighting for the free exercise of their religion, for the power of worshipping God after the fashion dearest to their hearts, men of whom the world was not worthy, being destitute,

afflicted, tormented, were compelled to wander in deserts and mountains, or in dens and caves of the earth—their property was liable to confiscation—their meetings were dispersed at the point of the bayonet, they were subject to persecution, even to the death. But for what are the Roman Catholics now clamouring? They enjoy all the rights for which the Scotch were then contending; they have perfect toleration—the freest exercise of their own religion. Is there any parish in Ireland in which a Romish chapel may not be erected? any district, in which Dr. M'Hale may not with perfect impunity pronounce the Established Church as a nuisance, and its pastors as grievous wolves? Where, then, is there any analogy between the two cases, which have so frequently but with so little foundation, been brought into juxta position? Sir, if I am asked, why, at the close of the last Session, as well as on this occasion, I have ventured to take so prominent a part in behalf of the Anglo-Irish Church, I reply, it is because of my affectionate veneration for the sister Establishment, between which, and the Church of England, there is as close an identity of interests as there is a near similarity in doctrines; their principles, their dangers, their enemies are the same, and their supporters should be united also. I am firmly convinced that, if the one Establishment were taken, the other would not long be left. Sir, I call upon my right hon. Friend not to abandon his post until the last moment: he owes this sacrifice to the King, whose confidence he enjoys—to the Peers, whose independence he guarantees—to the Church, whose rights he is defending—to the people, whose confidence he is earning by temperate and salutary reforms—to the friends, by whom he is gallantly supported; and even to those who, though not politically connected with him, have incurred every species of scurrilous and malignant misrepresentations by giving a fair trial to his Government. He should inscribe on his banners the motto, “No surrender.” He should compel the noble Lord to take up another parallel; his grape-shot do not yet reach the Pay-office—his shells fall short of the Admiralty. The siege of Downing-street may not last so long as that of Troy; but the noble Lord should not obtain possession of the citadel until he mounts the breach, with the Members for Dublin and Middlesex behind him, and wielding in his hand, instead of the field-marshal's truncheon, an address

from this House, calling on his Majesty to dismiss his present Government from his Councils and from his presence. It seems to me, Sir, that we are now commencing a career of universal spoliation. We shall first take a part of the Church property, and after one or two intermediate sacrilegious invasions, at last monopolise the whole. Then will come the turn of the lay impropiators; they will not long be permitted to "dwell in their ceiled houses," when many temples of the living God have been shut up or laid waste. A Bill will be introduced to relieve them from the burden of paying small pittance to laborious ministers of the everlasting Gospel, and at the same time to exonerate them from preserving the national estates, which they have long usurped under that very questionable tenure. Methinks I see a print of Woburn Abbey, as it will appear in 1845, converted into one of Mr. Owen's national parallelograms, under the superintendence of citizen John Russell, the elder, for by that time there will be no Dukes, and no Lord Johns, no hereditary titles, no, not even peerages for life. Sir, although no man is more friendly than I am to the redress of every grievance and the removal of every abuse, I protest against making any impolitic or pusillanimous sacrifice to satisfy the inordinate cravings of the spirit of the age, an idol at whose shrine every public man in this country is invited and expected to bow. This, Sir, is a specious but destructive principle, which might be urged to sanction the most revolting absurdities, or to extenuate the most atrocious crimes. There was a time, Sir, when a Liberal triumvirate ruled the destinies of a neighbouring land; when Robespierre, St. Just, and Couthon deluged every city with blood, and devoted every province to spoliation. Supposing that some intrepid patriot, animated by a spirit of righteous indignation, had exclaimed in the presence of that sanguinary tribunal, "Why have you murdered your King, why have you driven your nobles into exile? Why have you confiscated the property of your Church? Why have you demolished the altars of your God? Why are you immolating every day whole hecatombs of victims, whose defencelessness is their chief misfortune, and whose innocence is their only crime, at the altar of popular frenzy, infatuation and caprice?" The monsters would have replied, had they condescended to answer at all, "We are obeying the voice of the people, we are acting in conformity with the spirit of the age."

Sir, I have lived long enough to view with abhorrence and disgust the ultra-despotism of ultra-Liberalism. None are so intolerant of orthodoxy in religious doctrine, or of strictness in religious observance, as those who declaim the loudest in behalf of religious liberty. None are so inclined to tyrannize over others, and blacken the character of all who refuse to yield implicit obedience to their imperious mandates, as those who claim the utmost latitude in behalf of themselves. Sir, I thank the House for the patient attention with which they have been pleased to hear me, and shall now conclude by offering to the present Resolution my most decided and strenuous opposition.

Lord Francis Egerton would venture to differ from the proposition before the House, and yet if he could persuade himself that its results would be such as its proposers had promised, he might support it even at the expense of sacrificing any consistency with the opinions he had formerly given on the subject. The noble Lord who had brought forward the Resolution had made allusions to Hampden, the great champion of a principle, and had told the House that in the present Resolution the principle was everything, and that the Resolution itself was nothing. He thanked the noble Lord for the candour of his explanation. The noble Lord had told the House that the Resolution was nothing, and he concurred with him in that opinion; and it was because the Resolution was nothing, and the principle everything, that he (Lord Francis Egerton) could not bring himself to forfeit his character for consistency by voting for the Motion. The noble Lord bore the character—and he bore it gracefully in many respects—the character of a leader of a formidable party: but when the noble Lord quitted that House other Gentlemen succeeded him in that office, and carried his doctrines much further than the noble Lord himself did. On the first night of the debate the noble Lord had been succeeded by the hon. Gentleman the Member for St. Alban's, who had pushed the principles of the noble Lord much further than they had been put in the opening speech. He had said that he valued the principle of the Motion because it would bring under the control of the State, and by which he meant the control of that House—that species of control which he specially valued, all corporate property and all abuses connected with public property in general. He would claim to himself the right of opposing the Bill on that very

principle. The hon. Member for Westmeath (Mr. Grattan) had declared that the carrying of this Motion would be the renovation of the Catholic system in Ireland. He would ask hon. Members to reflect whether the question had been argued in a manner to indicate that it would effect a renovation of the Catholic religion in Ireland. One of the great leaders, in advocating the Catholic claims (Lord Plunkett) had argued that the carrying of the Emancipation Bill would have the effect of maintaining inviolate the property, the privileges, and the emoluments of the Protestant Established Church of Ireland. It had been on this ground that he had added his humble endeavours to aid the noble Lord's exertions; and it was on the same grounds that he now thought himself bound in honour and consistency to maintain inviolable the Protestant Church in Ireland, which he sincerely believed would be endangered were the present Motion to be carried. If the Resolution of the noble Lord did not go far towards the subversion of the Protestant Church he was persuaded that it would go but a little way towards restoring tranquillity to Ireland. Whatever opinions might be formed by hon. Members on the other side of the House, he, for one, did not see how the principle of the present measure could be carried into effect except by appropriating the property of the Protestant Church to purposes not Protestant; and, in fact, such appropriation was synonymous with proscription. The principle would make it a matter of positive gain to the Catholics to reduce to a certain amount the number of the Protestants, and it was a principle which, he feared, would run the risk of being written in characters of blood and fire—characters in which so many lamentable incidents of Irish history were already written—to be handed down to an incredulous posterity. It had been held out to the House that if this measure were carried England might be spared the expenses of keeping up so large a military force in Ireland. He might be incorrect as to the present state of the military force in Ireland, but he believed it did not exceed 23,000 troops, with the addition of 5,000 police; and it was new to him if the whole of these were devoted exclusively to the service of protecting the property of the Church. He threw no imputation upon Irish landlords, and he wished much to reduce the number of troops in Ireland, but still he must maintain that adopting the Resolution of the noble Lord would pro-

duce no consequences that could procure the power of effecting the desirable object of reducing the military establishment. The Committee of 1825, which had sat upon the Catholic claims had not traced any connexion between tithes and the religious disturbances of Ireland. The hon. Member for Dublin (Mr. O'Connell), and another individual (Dr. Doyle) had stated in their evidence before the Committee that the people of Ireland considered tithes in the light of an agricultural burthen most desirable to be removed; and yet the present Motion proceeded upon the principle that tithes were the great religious grievance of the people. It had not been his intention to address the House at all upon the subject, nor should he now trespass longer on the attention of hon. Members; but when he and those with whom he had the honour to act were taunted with resorting to a proceeding most objectionable unless justified by necessity—when they were reproached with resorting to the old proceeding of ringing the alarm bell of "Church in danger"—he would say that he was as unwilling as any man to resort to such an expedient, but still he would now declare his conviction that the Church was in danger, and even to the extent of justifying a resort to such expedient. The noble Lord (Lord John Russell), and those who acted with him, knew that those who supported his Majesty's Ministers were not actuated by any factious motives, but by a desire to uphold the institutions of the country. With that view alone it was that they raised their voice against this measure, and he doubted not that voice would be echoed by the voice of thousands of the people of England until it rolled like thunder over the land. He did not wish to excite any clamour, but he did not hesitate to declare that he conscientiously believed the Church to be in danger—and firmly attached as he was to that Church and the other institutions of this country he should never shrink, while he had a seat in that House, from raising his voice for the protection of those institutions.

Mr. Cayley said, that he believed it would be found in the end that those who rung the alarm bell of the "Church in danger" rung with a very loud tongue, but with a very empty head. He did not think that a Bill sent up from that House, containing the appropriation clause, would be rejected by the House of Lords, for this reason, that the passing of such a Bill would be the only

means of keeping their Lordships' friends, the present Ministers, in office a little longer. It might be asked, why were not the people and their representatives content with the present Ministers? As well might it be asked why were not the Poles content with the Russian Government, or the Italians with the Austrian Government of Prince Meternich? The answer was, because it was not a Government of their own choice. The right hon. Baronet the Member for Cumberland, had said the other night that had he been of the same religion as the hon. and learned Member for Dublin, he would have treated this Question as that hon. and learned Member did, but that, being a Protestant, he could not look upon it in the same light. Had the right hon. Baronet recollected the precepts of that book which all Christians so justly revered, he would have considered the treatment that was due from him to his neighbour who differed from him in religion as well as to him with whom he agreed. The hon. Member amidst many cries of "Question," quoted Mr. Moore's Hindoo tale or allegory, the object of which is to set forth the injustice of making those who did not eat meat pay for those who did. He believed that if the Irish Church Establishment were cut down to the real wants of the Protestant population of that country it would be the best means of preserving it from final destruction. He looked upon the Church Establishment in Ireland to be widely different to the Church Establishment in this country; but he much feared that if the gangrene was not speedily cut out of the one, it would at no very distant period reach the other. He sincerely wished this Question settled, for the sake of the peace of Ireland and the attachment he bore to the Established Church itself; for the effect of the present system was to keep alive a spirit of discord and discontent in the minds of the great majority of the people of that country. When the Reformation took place in that country the English Government tried to force an adverse religion on the people of Ireland; who showed too manly a spirit to suffer themselves to be despoiled of their religion as they were of their property. Ireland had in fact been governed on the principle of the sword rather than on the principle of Christianity.

The *Attorney General* said, that he had not before addressed the House upon this Question out of the respect and deference he entertained for the opinions of the many other Members, whose more en-

larged views upon the subject must come before the House with a more pressing weight than anything which he could offer to their consideration. Indeed he could well have abstained from obtruding himself upon the House so long as the Question was presented to them only in an abstract form; but so soon as it assumed the semblance of something approaching to practical operation, without any rules or guide before them on which this operation was to be based, he felt himself called upon, by his sense of public duty, to make a few observations upon it. In addressing the House at any time he said unfeignedly that no Member belonging to it stood more in need of indulgence than he did, and never more than on the present occasion. He should first observe that the Resolution now before the House went much farther than the former Resolution which the noble Lord had proposed, and on which the House had already come to a decision. It contained principles, measures, and results widely different from the other; indeed so much so that those Members who supported the former Resolution might, with the most perfect consistency, vote against the present. He begged particularly to call the attention of the House to this view of the Question. A large minority of that House, some impressed with a high moral sense of duty, others with a strong religious feeling, all with a clear view of the great importance of the Question before them, were called upon to legislate on a mere abstract proposition without any details to guide them to a proper decision. He could conceive no course more dangerous than this. He did not himself pretend to the character of a statesman, but he would address the noble Lord (Lord John Russell) in that character, and would ask him, was it fitting that so large and intelligent a minority should be called on to act upon the abstract Resolution now before the House until they could see their way as to the best and safest means of carrying it into effect? What was the proposition before the House? It was this: that the surplus property of the Irish Church Establishment be taken away from that Church and applied to purposes of general education. In this proposition there were two principles contained which had no sort of connexion with each other, and he should, therefore, take leave to consider them separately. As far as the question of education was involved, he was

pledged to that high principle, and would go to the fullest extent, along with any Member of that House, or any individual in the country, to carry into effect any measure calculated to promote the course of education. He owed too much to the great institutions of this country, established for the purposes of education, not to desire that the blessings they bestowed should be amply diffused throughout society. But was it necessary that the property of the Church should be voted away for that purpose, and that, too, before it was even ascertained that the Church had anything to give away? Then again he would ask, was it absolutely necessary, supposing a surplus, that it should be disposed of exactly in this fashion? Would the boon be of no value if given in any other shape than that precisely cut out by the noble Lord's Resolution? Was knowledge only acceptable as forbidden fruit? To act upon such limited and partial views would be unworthy of the House. If funds were necessary for the purposes of education let them by all means be supplied by Parliament, but let them not be taken from the property of the Church, or, at all events, let them not be so taken until it should first have been clearly ascertained, that there was a surplus which the Church could spare. Another branch of the Question was, that the principle of education contained in this Resolution was intended to extend to Roman Catholics; and not only that, but the property of the Established Church was to be applied to that purpose. He had not as yet heard it distinctly laid down what was meant by surplus Church-property. Did it mean nothing, or a part, or the whole, for he had heard each of these definitions given to it during the course of the debate that had taken place? According to the hon. and learned Member for Tipperary (Mr. Sheil) the Irish Church was a bloated Establishment that required to be greatly reduced, and according to another hon. Member, it was one wide-spreading nuisance. He would ask the hon. and learned Member for Tipperary, whose similes were none of the most savoury, and whose knowledge of surgery he believed did not exactly come up to his knowledge of law, if he had not heard that the disease called dropsy was reduced by tapping, and that that operation usually proved fatal? Could the House be at any loss to see what was meant by calling the Established Church of Ireland a wide-spreading nuisance?

Did they not read in that denunciation the same destroying spirit that in former ages was directed against the existence of a rival city?

‘*Delenda est Carthago.*’

The proposition before the House he looked upon as of so vague a character that no result could follow from it. It had been asked on a former night by the noble Lord, the Member for Lancashire (Lord Stanley) could he not see a schedule A in the Church as well as he saw it in the Reform Bill? Now this was the very thing which he (the Attorney General) wanted to see. He wished to see the places that deserved disfranchisement before he proceeded with an abstract proposition to disfranchise. The hon. and learned Member for Tipperary said, that he would go the full length of the present proposition, but he said also that he would not stop there, for that he was disposed to go much further. He (the Attorney General) did not hesitate to say, that if some of the speeches which had been delivered in that House in the course of this discussion were acted upon, so far from there being any surplus Church-property there would nothing remain—there would be nothing to rest upon, for the whole Church would be gone. These few observations he had offered to the House upon the subject of providing for education out of surplus Church-property, without first inquiring whether or no there was in reality any surplus? He had been told, however, that it was everything to establish a principle; and the case of Hampden had been referred to, who resisted a tax of only 20s., because it was oppressive and unjust. But those who were so ready to quote Hampden should follow his example, and practise a little of his discretion. Hampden resisted an unjust principle, whereas here the principle was carried before they were prepared to act upon it. The noble Lord (Lord John Russell) now proposed to carry his first Resolution further by another declaratory Resolution, that no measure respecting tithes in Ireland could be final or satisfactory if it did not contain and embody the principle of appropriation. Now, he would ask the noble Lord how he intended to embody this principle in the Tithe Bill? Did he mean to do so by one single clause, or did he mean to wait for the Report of the Commissioners before that important measure should be passed? It was well known that the Report of the Commissioners was only expected to come

in bit by bit, or drop by drop. Before the House proceeded to legislate upon this Resolution of the noble Lord, they should be prepared with all the particulars relating to every Church living in Ireland, and still more should they avoid any act of legislation that might be calculated to bring them into collision with the House of Lords, a circumstance which the noble Lord himself had, on a former occasion, said he should much deplore ever happening. Now he did not charge the noble Lord with inconsistency, but he would ask the noble Lord why he was now so disposed to hazard a collision with the House of Lords, when no practical purpose was to be attained? He did not believe that there was any precedent for that House giving to any Resolution which they might pass all the force of law without the concurrence of the House of Lords. He knew, indeed, that the Irish House of Commons passed a Resolution to abolish Agistment tithes without the concurrence of the House of Lords of that day in Ireland, but this was a precedent that had never since been followed in either country. This Question existed altogether in detail, and could not be safely or satisfactorily disposed of without embracing it in all its bearings. The revenues and the state of every living must be exactly ascertained, and every particular must be introduced in any Bill upon the subject. Was the noble Lord, urging on these propositions to benefit the people of Ireland, or was he doing it to gratify those who were adverse to the Established Church? After all that had been said, done, and sworn, by those persons—he, for one, felt no disposition to gratify their feelings, nor did he think that the majority of that House ought to have such a disposition. Did the noble Lord think it ingenious not to wait for the Bill to be brought in after what had been said by the Chancellor of the Exchequer until he had rendered it impossible for his right hon. Friend to carry on the Government of the country upon the principles which he professed? Perhaps this was a part of the subject which he ought not to enter upon; but he felt that he had as good a right to adopt a tone of independence as the hon. and learned Member for Edinburgh. I sought not (continued the hon. and learned Gentleman)—I sought not a seat in this House—I sought not office under the Government—I derive no benefit from either. I am placed here in a situation of indepen-

dence quite as great as that of any other hon. Member, and I can assure the noble Lord that as far as I am concerned, if he can form an Administration that will perfect, that will purify, and not destroy the institutions of this great country, I, for one, will cheerfully resign my place to some Member of that Administration which may possess the confidence of the people, and will not abuse that confidence. But let me warn the noble Lord, that if he goes on, he must be prepared to see the principle of this Resolution carried into effect by others, with whom I cannot think he wishes to coincide. Let me caution him, as an eminent writer has said of an illustrious statesman (Lord Chatham), that whilst he only intended to hamper a Minister, he lost us America;—let me caution the noble Lord, I say, that history, to which he has alluded, do not say of him, that while he only intended to hamper a Minister, he destroyed a Church and dismembered an empire.

Mr. Sergeant *Perrin* spoke nearly as follows:—Sir—I am loth to obtrude upon the House at this stage of the debate; I am but too sensible of my own inefficiency to desire to do so at any time; yet, so strong is my conviction of the value of this resolution, and the importance to Ireland of the principle embodied in it, that at the hazard of exposing that inefficiency I must offer a few remarks upon the Question. I think we ought to adopt the resolution proposed by the noble Lord, the Member for Devonshire—it is an important step towards the improvement of Ireland, the moral and religious education of the whole people—it is essential to the tranquillity of that country, and it is eminently calculated to give increased and just efficiency to the Established Church there. [*Cheers from the Ministerial side.*] The circle within which I am known is small; but those cheers will excuse me for appealing to my honourable Friends. I believe none opposite will say that I am in the habit of professing principles which I do not conscientiously hold. I will say, then, that the adoption of this principle by the House will go far to produce peace in Ireland, by giving moral and religious education to all classes, by attaching them to an establishment from which they will then derive benefit, and this I contend will give stability to the Established Church. I have ever been attached to the principle of Church Establishments—I am convinced of their great advantage—I value them on many accounts, but for none more than that they

provide for the instruction of those who most stand in need of it, and who are least able to acquire or supply it for themselves. I have ever considered the opinion, "that no man of one Church should be bound to contribute towards the religious education or establishment of another," to be narrow and bigoted. I consider it narrow as a moral sentiment and unsound as a political maxim. How can any man, or any Christian, hold the question of the moral and religious education of any class or sect of his fellow-subjects to be indifferent to him? or profess that their highest, their eternal interest are alien to his feelings or concerns? How can any sensible or reflecting member of society say, that orderly conduct, respect for law, the spirit of subordination, the fruits of religious education, are not universal objects of solicitude and anxiety to him? I own that I have been more than surprised at the vehement opposition that has been made to the proposition before the House, coming from such quarters as it has; and those who are sensible of the benefits of religious establishments, so loud and so eloquent in praise of such institutions, should resist this proposition to give effect to their principle, to extend that efficacy beyond the reach of human laws, for the prevention of crime, and correction of evils over the whole people—that they should desire to confine the advantages to one class, to one small majority, and leave the mass of the people ignorant and uneducated, does surprise me. It is equally irreconcilable, in my mind, with the affections of a Christian, and the wisdom of a statesman. Those who maintain that there will be no surplus, take a fairer ground of objection, though it can be clearly shown that they are wrong in fact. Some who objected to the proposition of the noble Lord, have asserted that the income of the Church of Ireland three years ago did not exceed 740,000*l.* a-year; and it was stated by the right hon. and gallant officer (the Secretary for Ireland), that owing to the reductions which had since been made from it, it did not now exceed 450,000*l.*; and the right hon. Baronet the Chancellor of the Exchequer, has asked, "is that too large an income for such an Establishment?" It is not necessary for me to determine that question one way or the other; but I think those who are aware of the comparative numbers of the Protestant Dissenters in Ireland, their habits and state of education, the numbers, conduct, and character of their exemplary, useful, and pious ministers, and who know that the entire income

derived by that clergy from the state does not exceed 24,000*l.* a-year, will hesitate before they declare that even the reduced sum of 450,000*l.* a-year is not too much for the clergy of the Established Church in Ireland. But let me ask what has become of the difference between the admitted income of 740,000*l.* three years ago, and the alleged present income of 450,000*l.*? How has this difference been accounted for? First, there is the proposed reduction of 25*l.* per cent. on the amount of tithes, and then the vestry cess now placed upon the Church Temporalities' Fund—grant this: these two sums make together 167,000*l.* which, deducted from 740,000*l.* leave over the 450,000*l.* the sum of 114,000*l.* and is not that, I will ask, a sum worth inquiring about? To be sure, we are told that this will not give more than four-pence a-year for each individual in the population of Ireland; and we are taunted by the question, will that sum afford or provide education for that population? This, Sir, is an argument worthy of the cause it is adduced to support. I ask those who ask this question, are they serious? do they expect an answer? do they mean to say that 114,000*l.* a year judiciously applied, supposing that to be the full amount of surplus (which I don't admit), will not conduce effectively and substantially to the Education and improvement of the people of Ireland? but one right hon. Member took different ground; he says that the funds in the hands of the Board of Education are more than sufficient for the demands upon them, and that it was obliged to devote a portion of it to the extravagant increase of the salaries of schoolmasters: now, it has so happened, that I have had several communications with a member of that board, and have sought for an application of part of its funds to a country school, and I have ascertained that so far from being abundant, their funds are at present most inadequately short of the objects for which they were intended. But it is necessary to account for this alleged deficiency beyond the amount of the Church rates, and the 25*l.* per cent., in the remainder of the Church income: on this subject we have been told by the right hon. and learned Member for the University of Dublin (Mr. Lefroy), that the sum of 59,000*l.* should be allowed for the suppressed Bishoprics, and 22,000*l.* for the tax on livings; and another hon. Member has said, that an allowance of 10*l.* per cent. should be made for carrying out the principle of the proposed Tithe Bill; now, I will not allow of any one of

these deductions; the amount may be as has been stated, but will any one contend that these sums have been absolutely lost to the Church or to the State? have they melted away? or is the House to be told, that because they have been transferred they are not still in existence, and are not applicable to Ecclesiastical purposes? To be sure the 59,000*l.* and 22,000*l.* a-year have been transferred to the Ecclesiastical Commissioners; but will it be said that they have vanished, disappeared, do not exist, and are not available, and ought not to be accounted as Ecclesiastical property? As to the waste of 10*l.* per cent., mentioned by the hon. Member for Newark, and taken credit for as a reduction, I will not consent to allow it; and I think the House will hesitate before it adopts the proposed measure of redemption and vesting the amount in land, a measure objectionable in itself, at once clumsy and injurious, and which is thus recommended to our adoption by a frank avowal that it will produce an absolute loss and waste of one-tenth of the whole property. I am aware, that difference of opinion exists on some points connected with this question of surplus and the precise amount of Church-property in Ireland, on which we have not precise information; leaving these for the present, I will call the attention of hon. Gentlemen opposite to some matters which are plain and palpable, and do not admit of denial; I allude to the existing state of many parishes in Ireland. I will not select extreme cases, or give the House such instances merely, as those adduced with such effect and force of observation by the right hon. Member for Cambridge, or parishes where there are no Protestant inhabitants, though in various parts of Ireland such instances are by no means rare; I will not take parishes merely from the west nor from the south, nor dwell on flagrant cases in the diocese of Ossory; but I will go to that county which was last night described by an hon. Member as one of the most Protestant counties in the north of Ireland, the county of Monaghan; I will state the circumstances of five parishes in that county. I will take a district of 51,000 acres there; the barony of Farney, bounded on one side by the county of Armagh, on another by the county of Cavan, contains five parishes, the condition of which I will now state to the House. The first is the parish of Magheracloon, in which there are forty-one Protestant families and 1,400 Catholic families; the value of the living is 430*l.* in tithes,

besides which there is a glebe-house with forty-two acres of land, making the total value 556*l.* a-year; the incumbent resides generally at Bath, and visits his parish once a-year: the duty is done, and I believe satisfactorily done, by a stipendiary curate. The second parish is Carrickmacross, in which there are eighty Protestant families, ten Dissenting families, and 1,400 Catholic families; the value of the living is 700*l.* in tithes, with a glebe-house and 140 acres of land, total value 1,120*l.*; the incumbent resides at Armagh, and the duty is performed by a stipendiary curate. The third is the parish of Donaghmoine, in which are fifty Protestant families, and 2,000 Catholic families; the value of the living is 1,050*l.* in tithes, a glebe-house, and sixty acres of land, total value 1,233*l.*; the incumbent is the son of a former Bishop of Clogher, is a non-resident, living in a distant parish of considerable value, which he also enjoys; the duty is performed by the stipendiary curate. The fourth is the parish of Killanery, in which are four Protestant families, and 1,000 Catholic families; the value of the living is 500*l.* in tithes, a glebe-house, and eighty acres of land, total value 750*l.*; the incumbent resides near Dublin; the duty is performed by the stipendiary curate. The fifth is the parish of Enniskeen, in which are ten Protestant families, and 1,000 Catholic families; the value of the living is 500*l.* in tithes, a glebe-house, and eighty acres of land, total value 750*l.* the incumbent is non-resident; the duty devolves upon the stipendiary curate. Here is a district of five parishes in Protestant Ulster; in all, the incumbents are non-resident, the duty is performed by curates, and I believe well, and assiduously and satisfactorily performed by stipendiary curates, satisfactorily to the Protestant inhabitants, by stipendiary curates with small incomes. These, let it be observed, are not isolated cases; many such, and still stronger cases, can be pointed out in the Catholic counties of the south and west of Ireland, but I have not gone into any of those; I have preferred taking instances from a county which has been described as one of the most Protestant of the north of Ireland, by the hon. Member for the county itself, in the course of this debate. I ask, is this state of things to continue?—I will ask hon. Members opposite, whether this system is one which they wish to see continued? I will ask, is he a friend to the Church, is he a friend to religion, who would support such a system in Ireland? I

ask hon. Members to consider this matter gravely and temperately, and tell me whether it is not one that calls for Reform? I will put it to the noble Lord (Francis Egerton), whether he will, or whether he thinks he can, answer these facts by an appeal to popular clamour; or stifle their effect by a cry of “the Church in danger?” I may be asked, “will you suppress the Established Church? Will you transfer its property to the Catholic Church?” I will answer, no! no such thing! I will take the case of the last parish I have alluded to, where, as I have stated, there were 1,000 Catholic families, and only four Protestant families. I may be asked “what, though the number of Protestant families be small, will you not respect their feelings and their scruples? As a Protestant myself, I value the Protestant Establishment; I do respect their feelings, and regard their interests; but, for the support of that Establishment, is it necessary that, in a parish where there are but four Protestant families, 750*l.* a-year, or near 750*l.*, should be taken out of the parochial means of its inhabitants for the maintenance of a Protestant clergyman of the Established Church? I care not whether those funds are paid or provided by the tenants or the landlords; it is immaterial to my argument; they are paid by one or the other—paid or supplied by parishioners; on whichever the charge devolves the system is bad—bad for the tenant and bad for the landlord: to the parish at large it is of no benefit, and I for one never will consent to this state of things, that while 750*l.* a-year is abstracted to meet the claims of the Church, the whole of the religious duties should be performed by a person receiving a small stipend only, and that the remainder, whether it be 400*l.* or 600*l.*, or, as in other parishes, much more a-year, should go to be dissipated by an individual residing at Bath or at Kingstown. I say this is not religion; I say this is not good sense; I say this is not honesty. I beg pardon of the House for going into these details, and trespassing at so much length upon its time; but I wish to represent to Englishmen the real state of things in Ireland, knowing that if that state of things be fully known to the English Members of this House, they will be as anxious and as zealous in their desire to effect a remedy as the most warm, and passionate, and enthusiastic Irishman. I wish I could borrow the eloquence, and follow the example of the noble Lord

the Member for Northumberland (Lord Howick), the other night, by calling on the English Members to reverse the picture, and to contemplate what their feelings would be, if they, and the Church to which they belonged, were similarly situated as the Roman Catholics of Ireland and their Church are. But I do not think it necessary; I know that I am addressing men of integrity—men of free and independent spirit—men of honour—men who are attached to justice, and who will do right, if I can show them that a case of injustice calls for their interposition. I beg then to recal the attention of the House to the particular parish to which I last referred: in that parish, for the accommodation of four Protestant families, there is a large, well-built, well-furnished, well-aired Church; a curate performs the service, attends fully to his duties, and to their spiritual wants: contrast this with the accommodation afforded to the Roman Catholics; there are 1,000 Catholic families in the parish; they may be as ignorant and as superstitious as hon. Members opposite may please to represent them, but that is no reason why their wants should not be regarded, and provision made for their religious education, in the only mode in which they will accept it, through the only channel by which they will receive it; for those families there is a chapel, perhaps ill-built, certainly unfurnished, with a clay damp floor, no pews, no seats, no benches, and of size insufficient to contain more than one-half of the congregation. So inadequate are the chapels generally, that I appeal to hon. Members on the opposite side, my countrymen, whether they have not continually seen, on Sundays in the chapel-yards in many districts, a large portion of the congregation kneeling outside on the bare earth for want of sufficient accommodation within the chapel, exposed to all the inconvenience and vicissitudes of the seasons. Is this a state of things to continue or permit? Can you reflect on this, and wonder at the dissensions, and exasperations, and the heart-burnings, that scorch and desolate our land? These are facts, indisputable facts; is it then possible that such a state of things should be longer permitted to continue? I am not one of those who would withdraw anything from the incomes of the Protestant working clergy; on the contrary, I would place those members of that body in a situation more becoming their sacred calling, and more independent, by giving every actual incumbent, that is,

clergyman doing duty, not less than 200*l.* or 250*l.* per annum, instead of 75*l.* I would then apply the remaining 500*l.* in parishes producing 750*l.* per annum, to the original purpose—namely, the religious education and moral improvement of the rest of the parishioners. But it is said this would be spoliation—this would be robbing the Church, and endangering property; who talks of robbing the Church, and yet sustains the present system? Is it or is it not, spoliation; is it not robbing the Church to get the business of that Church done for a small stipend, perhaps for 75*l.* per annum, and to receive the difference without labour, and expend it in a foreign clime or foreign county. Is not this spoliation, misapplication, and diversion of the funds to purposes not ecclesiastical? I deny that such an application of the funds as making provision for a suitable income for the working incumbent, and giving the residue to the moral and religious education of the parishioners is liable to the imputation of Church robbery, or Church spoliation [*“hear, hear, hear,”*] I say they who divert it from these purposes to individual emolument are the spoliators—they who prefer the man to the duty—who regard and provide for the Churchman, not the Church; they divert, they misapply, they spoliage, and rob the Church. I would not withdraw the income of the working Protestant clergyman in Ireland; so far from it, so far from diminishing his income, I would place him in a situation more becoming his avocation. I would make him more independent. I would give to the Protestant minister, who had to take care of the four, the ten, or the twenty, or the fifty Protestant families, in any parish, 200*l.* a-year at least, instead of 75*l.* In a parish such as that to which I have referred, where the tithes amounted to 750*l.* a-year, it was admitted, even by hon. Gentlemen on the opposite side of the House, that 250*l.* a-year would be a fit and sufficient sum to allow to the Protestant clergyman. Taking these hon. Gentlemen upon their own admission—agreeing with them that 250*l.* a-year would be a fit and proper sum to allow to that clergyman, then I ask what is to be done with the remaining 500*l.* I would devote it to the moral and religious instruction of the poor of the parish, but that would be robbing the Church, forsooth! [*“Cheers.”*] The hon. and learned Member for the University of Dublin stated this gravely and said gravely that this was not the property of

the state, and that the state had no right to interfere with it. I will not enter at length into the technical argument which he has urged in support of his proposition; but I will at once say that no rational, no reflecting man can deny that the state not only has the power, but that it is the duty of the State, its sacred obligation, to look after and deal with this property. The right hon. Gentleman had said, that Church-property should not be the property of the state, because the King, Lords and Commons are not a Corporation, and are not capable of property; but it belongs, he said, to the Church—not I should hope to the absentee incumbents. No, but to the Church, he says, as represented by its Bishops, Deans, and Rectors; a body who, according to the right hon. Gentleman's own argument, are just as incapable (not being a Corporation) of holding property as the three branches of the Legislature. I am prepared to maintain, that Church-property is trust property, belonging to the parishioners, to whose use and benefit it was dedicated and delegated. This is not an idea of my own, nor a novel and fanciful notion adopted for the occasion, but one contained and expressed in the statute book of this country. So long ago as the reign of Richard 2nd, that proposition was established in distinct terms. In an Act passed in that reign, I find the following provisions:—“Because divers damages and hinderances oftentimes have happened, and daily do happen, to the poor parishioners of divers places, by the appropriation of benefices of the same places, it is agreed and assented, that in any license henceforth to be made of the appropriation of any parish Church, the diocesan of such place shall ordain according to the value of such Church, a convenient sum of money to be paid out of the fruits and profits of the same Church, and distributed yearly to the poor parishioners in aid of their living and sustenance for ever.” It has been said, that these funds have, by a prescription of three hundred years in Ireland, been appropriated to the Established Church, and that any attempt to apply them as proposed, would be to divert them to purposes not Ecclesiastical, and that therefore the House cannot countenance such an application. How has the Legislature before dealt with them? Some years after the passing of the statute I have before referred to, a further Act of the reign of Henry 4th, had been passed, expressly providing, “that henceforth, in every Church so appropriated, a secular

person be endowed, according to the discretion of the ordinary, for the performance of divine service, for the education of the people, and to keep hospitality there, and do works of alms and charity." Judging from these provisions, it appears to me that those who contend, that they are bound by their conscience, and their religion not to allow these funds to be applied to the promotion of the moral and religious education and instruction of the parishioners at large, after supplying the spiritual wants and necessities of the Members of the Established Church, err exceedingly, and have much mistaken the objects and purposes for which they had been originally designed: they appear to me to err exceedingly, and in nothing more than in assuming, that the application of any such funds to purposes of education is a novelty alien or foreign to their original institution; the notion is met and refuted by the ancient laws of the land and the statutes of England and Ireland. To recur to the actual state of things, and the condition of parishes as they exist in Ireland: will you persist to maintain this state of things? Would you so constitute any society anew? Would you, if you were effecting a new plantation in Ireland, pursue this system? Would those distinguished personages, who declare they will maintain the present Establishment in all its extent, and will not abate one jot, whatever be the revenue or the relative population, would they appoint a clergyman with 750*l.* a-year to attend to the spiritual wants of four, ten, or twenty families, and leave 1,000 families without instruction or provision for their moral or religious education? Would, they, *à priori*, levy that 750*l.* from the whole community and apply it thus partially? If they would not, why will they now persist, if, *à priori*, they would not, do so? If reason and argument must then prevail, why do they now persist against reason, against argument, against the sad result of long experience? Will they disregard, or have they had no lessons from experience on this score? Have they not heard of, or will they not be taught by the sad and calamitous stories of Carrickshock and Rathcormac?—those scenes of blood, of suffering, and of crime! Will they still persevere in the same unjust and reckless course? And can they say they do so for conscience, for religion's sake?—I call upon those who do say so—I call on those distinguished men to pause, to reflect upon their own words, and upon the course they

are taking; let them oppose the Resolution—let them do so; they may despise their political opponents; they may baffle, and possibly defeat those from whom they had severed; but let them not present conscience, and religion as their obligation—persist, and call it cunning, call it policy, call it wisdom, if you will, but do not desecrate conscience—do not profane the name of religion in such a course. But it is asked, will this measure tranquillize Ireland? And it is intimated triumphantly that it will not. No, Sir; no one measure will tranquillize Ireland; no one measure will redeem and correct centuries of bad Government; but the proposition of the noble Lord, the Member of Devonshire, and the spirit in which he has brought it forward, and on which the House has received it, will go far to soothe, and conciliate, and allay irritation; to remove and assuage the exasperation and spirit of revenge which so generally prevail, and engender so many evils, and so much crime. Again, the proposition has been decried by several hon. Members in the course of the debate as an insult to the Protestants of Ireland; nay, a firebrand to excite and inflame ill-feeling among them. This strange outcry was first bruited out of the House; we had it in pamphlets, in newspapers, in speeches from hon. Members and reverend clergymen of high name. Sir Harcourt Lees and other equally venerable names have long been distinguished by their denunciations of Popery out of this House; and in the House we have heard this Resolution pronounced an insult to the Protestants of Ireland, and, more indignantly than wisely, spurned as such. I am sure the hon. Member for Monaghan (Mr. Lucas), who spoke last night, will not join in that opinion, though he represents, as he himself has stated, a most Protestant county. That hon. Member stated, that it would be wise to extend education to the Presbyterians; in that sentiment I fully concur; but I would go still further, and add, education ought also to be extended to the Roman Catholic. Of those who shout that it will be an insult to the Protestants, I ask, does any reflecting man think it an insult to the Protestant gentry, or that they so esteem it that provision should be made for the instruction of their uneducated neighbours, and thus set them in the way of real truth? Are they so blind to the advantages of education, have they no feeling for the improvement of their tenants and fellow-countrymen? Are they quite

insensible to their own interests, and of the difference between an ignorant and an uneducated, and an orderly, and well-instructed people? Are they Protestants merely in name; do they desire to withhold the light of truth and means of improvement? For myself I would say, that my confidence in the truth of the principles of the religion I profess is such, that I am convinced the surest way to increase the number of Protestants in Ireland, and give it fair play, is to spread information; to give the whole people education, moral and religious; to make them capable to perceive and appreciate the truth. Such was, and such my conviction remains, although it has been with such solemnity announced in the House; and abroad proclaimed in newspapers and in pamphlets, that the proposition is an insult to the Protestants of Ireland, though it has been described as "a firebrand about to be thrown into that peaceable country." The high authority which is arrayed against me on this occasion does not shake my conviction—it has been adopted on reflection—it remains unaltered. I am satisfied that the principle of this Resolution is important to the improvement of Ireland; that its adoption is essential to the tranquillity of that country, and will be most conducive to the real interests of the Church, and its just efficiency there. I have mentioned one high name, long adverse to all concession to our Roman Catholic fellow-subjects; a consistent enemy to all interference with the system and management of the Church Establishment and discipline in Ireland; a man who loves things as they are, and sees no occasion for improvement—the rev. Sir Harcourt Lees. May I be permitted, before I sit down, to mention—will the House be surprised to learn—that Sir Harcourt Lees is the Rector of Killanney, in the barony of Farney, a parish I have already mentioned; that he resides and maintains a large Establishment near the Black Rock, in the county of Dublin—recollect that the Protestant families in Killanney are four, the Roman Catholic one thousand; that the benefice is worth 700*l.* per annum, and that the duty is performed by his stipendiary curate? Do you wonder that the absentee rector does not complain; that he exclaims against alteration, and sees no room for improvement; that he deprecates the Resolution and its principle? Do you wonder that he like the rest of the Irish clergy opposes Reform?

Mr. Sergeant Jackson rose and said, he would do his hon. and learned Friend who spoke last the justice to say that, from the hour he first knew him, he was consistent in his public conduct. He differed, however, very widely from him in many points, as well as upon this most important Question. He was glad to hear from him one important concession—the necessity of a Church Establishment. He doubted, however, whether there were not many on the other side of the House who would not make the same concession. His hon. and learned Friend therefore, as well as himself, were in duty bound to support the Established Church. Previous to the Union it was thought that, if it should pass, the Protestant Establishment could not be maintained in Ireland, the great majority of the people being Roman Catholics. One of the main arguments in support of that measure was, that after the Union the Established Church would be the religion of a majority of the empire, and that the Church of Ireland would thus be secured. This was the argument which mainly influenced the Protestants of Ireland to concur in the measure. The Church of Ireland could not possibly subsist long after a measure like the present passed into a law. They were now called on only for the appropriation of a surplus, but would not the hon. and learned Member for Dublin (Mr. O'Connell) make further demands hereafter? Would he be satisfied with this? That hon. and learned Member agreed to the remission of three-fifths of the tithes. In a letter which the hon. and learned Gentleman wrote to a friend in September, 1834, he said he accepted all he could get for the present, but would afterwards seek the remission of the whole. "I will take," said the hon. and learned Gentleman, "any instalment I can get." His hon. Friend who spoke last said, there would be a surplus of 130,000*l.*; but he forgot that the previous income of 700,000*l.* would, as had been clearly shown by his right hon. friend (Sir Henry Hardinge), be reduced to 450,000*l.*; and where, then, could he find the surplus of 130,000*l.*? He thought every one who had heard the address of the Attorney-General must be satisfied that nothing could be more preposterous than to call upon the House to legislate upon the question which the noble Lord had introduced. How were they to act? Was a Bill to be brought in? How could they if the surplus was not ascertained? The fact was, that hon. Members were so de-

sirous to embarrass the Ministry that they declined waiting for a surplus, and declared something, the existence of which was unknown, to be applicable for certain purposes. Much had been said about the expediency of preserving order, and the impossibility of so doing under the present state of the Established Church. To this he would reply, and all who came from the sister country must confirm his assertion, that if proper measures had been taken for enforcing the law not a shilling of tithes would have been uncollected on the 1st of January, 1834. For this he had the authority of a very respectable Gentleman, a relative of the hon. and learned Member for Dublin, who, in the presence of several Barristers, expressed himself to this effect:—"The Chancellor of the Exchequer, (then Lord Althorp) has made a very unfortunate statement respecting the extinction of tithes. What is likely to be the consequence? I feel that the course taken endangers my property and every man's property. The first step should have been to enforce obedience to the law, and then any alteration which it might be expedient to make should have been carried into effect." Was it part of the Legislature to see the laws trampled on with impunity, and to yield to menace and agitation? Were they called upon to act in accordance with popular outcries? But it had been said this measure would restore peace to Ireland; and, above all, it would gratify the Roman Catholics. That he denied. The Roman Catholics would not rest satisfied with anything less than the overthrow of the Protestant Establishment. What necessity was there for this Resolution? Who on his side of the House had denied that tithes ought to be applied to educational as well as other purposes? But Oh! said his hon. and learned Friend, the present funds are scanty and insufficient.—If so, let the proper quarter be applied to for an increase. Surely it was not necessary to take the Church-property for that purpose. He could not say whether or not the national Board of Education in Ireland had exhausted their funds of last year, but if they had he could partly account for it by stating that the sums they had given were in many cases, larger than were requisite. Still, however, he had heard of no application on their part for an augmentation of funds. By more than one hon. Gentleman the principle of appropriation had been recommended on the ground that it would tend to promote the efficiency of

the Established Church, and enable it to make converts from the Catholic Church. Such was the view which the hon. Member for Weymouth took of the Question. Now, his conviction was, that if the principle were carried out, so far would it be from restoring peace and harmony to Ireland, that it would be productive of increased discord and even bloodshed.—According to the plan of some hon. Members those parishes in which a certain number of Protestants did not reside were to be deprived of the Minister and the benefits which resulted from the Protestant Establishment. The consequence of such a plan would be that a perpetual watch would be held over the Protestants. Their heads would be numbered, and there would be a constant study to keep down their number, so as to bring their parish within the operation of the reducing Clause. Emigration of the Protestant inhabitants had already taken place to a very considerable extent. He hesitated not to declare that these Protestant emigrants composed one of the most valuable classes in Ireland. They were quiet, well-disposed, substantial farmers; but they were compelled to transport themselves, their families, and their stock to foreign shores in consequence of the fearful insecurity of life and property in their native land. Would hon. Members add to this depopulation by adopting a plan—the inevitable effect of which must be to place them constantly under the watch of their enemies? Was it likely that by such a plan their fears would be lessened or their emigration checked and rendered less necessary? Much had been said as to the policy of granting a boon to the Catholics? Were, then, the Protestants to be overlooked? And was it of no importance that Ireland should be inhabited by men of peaceable habits, and not averse to the connexion with England? He could assure the House that if they decided upon carrying the proposed measure into effect by the Protestants in Ireland the decision would be received with dismay.—With regard to the arguments of his hon. and learned Friend, (Mr. Sergeant Perrin) he must say that the greater part of them were wholly irrelevant to the Question before the House. From certain documents in his possession his hon. and learned Friend had given them an account of the state of things in several parishes in the county of Monaghan. He had particularly dwelt upon the evils of non-residence. Who denied that there were evils? Were they

denied by the Members on his side of the House, and by those who resisted the proposition of the noble Lord the Member for Devonshire? On that point there was not the slightest difference between him and his hon. and learned Friend. Again, he begged to ask whether the hon. Members on his side of the House were advocates for underpaying the working clergy? Undoubtedly not; and it would be the duty of his Majesty's Government, as it was evidently their intention to bring in measures for the regulation of such matters.—Did the hon. and learned Member imagine that they were the friends and supporters of overpaid and non-resident clergymen? No; they were of opinion that the clergy should be adequately paid, and that no idlers should be maintained. Yet it was upon these points, which had no reference to the Question at issue, and upon which there was really no difference of opinion, that the hon. and learned Gentleman had dwelt. He had not intended to address the House on this subject, but after hearing the address of his hon. and learned Friend, and knowing the importance which attached to all that fell from him, he could not refrain, humble as he was, from making some observations in reply.

Mr. *Gisborne* said, that on the subject before the House he had always acted with the greatest impartiality, because it was his misfortune, generally, upon this subject to be opposed—he did not mean to Lord Melbourne's Government, for he had never had occasion to be so—but to the Governments which preceded that noble Lord's, in the same manner as he was to the present. He would, without making any exordium, go at once to the point on which he conceived the Question now to stand. The point between the two sides of the House appeared to him to be this—that, whereas, the Gentlemen on the Ministerial side of the House, together with the noble Lord (Stanley), and the right hon. Baronet (Sir James Graham), asserted that Tithes were, in fact, by reason of the mode of collection, the sole cause of the disturbances in Ireland, so far as related to Ecclesiastical matters, whilst they, on that (the Opposition) side of the House, asserted that they were not the sole cause of those disorders; but that the existence of the Irish Church as a Protestant Church Establishment, maintained solely for a small part only of the inhabitants of that country, contributed also, with the tithes to cause those disturbances.—That, he apprehended, was the point of

difference now arising between the two sides of the House on the Resolution then before them. He conceived that the House could hardly come to a right solution of that point of difference without first considering the system on which the Irish Church was founded. The Protestant Church in Ireland had always been the corner stone and foundation of our system of Government in that country. Protestant Lord-lieutenants of counties, Protestant Magistrates, Protestant Sheriffs, a Protestant court, a Protestant judicial bench, packed juries, and an Orange yeomanry—these were the institutions—a part of them now rescinded, and a part retained—that formed part and parcel of the same exclusive system of Protestantism. The real Question which affected the feelings of the people of Ireland was this, for whose benefit had these institutions been maintained? Had it been for the benefit of the Irish people? When he heard the noble Lord (Stanley) say that he could not believe that the Protestant Church, maintained out of its own resources could be the cause of the discontents in Ireland, it seemed to him (Mr. *Gisborne*) that the noble Lord did not understand the elementary principle on which society rested. What was the principle on which law and order were maintained in society? Surely not the principle of force. The idea of maintaining order and law by force was a monstrous and barbarous idea. Social institutions were of no value, nor were they capable of promoting either the happiness or prosperity of a people, unless they were maintained by public feeling and public opinion. Those who lived under them must think and feel that they existed solely for their advantage, and that that was their only object. But was this the case in Ireland? Was it so particularly with respect to the Church Establishment? In England and in Scotland every man's first object was the maintenance of the law, and for this they willingly sacrificed a portion of their time and money, and, if needful, of their personal liberty. If any outrage threatened society, the most extensive combinations were formed to suppress it. But the case was quite different in Ireland. In England and Scotland there was a feeling in every man's mind, that, with some causes of complaint, the institutions of the country mainly existed for his benefit; but in Ireland the institutions were not in accordance with the feelings of the

people. That was the cause of the alienation of the people from those institutions, and that was the cause of the necessity that existed there for the maintenance of order and law by force. It was not simply the existence of the Irish Church; but it was the fact of the general feelings of the people being alienated from the institutions of the country, of which the maintenance of that Church was the foundation, that produced a state of society in Ireland under which no security, and no prosperity could exist. He had ever held that all institutions in order to produce prosperity and happiness must rest upon the opinions and feelings of the people. It was possible that this country was strong enough to maintain those institutions by force. That was a system which existed in many States in Europe, and had existed in all parts of the world; but it was perfectly absurd to give the people political power, and, after having done so, to attempt to maintain any institutions which were not in consonance with the principle involved in that act. The ecclesiastical institution in Ireland not being in consonance with the feelings of the great bulk of the people was the foundation of all the insecurity, and all the misery which existed in that country. This Resolution of the noble Lord was the last, the sincere—he trusted it might not be the desperate—attempt to save the Protestant Church in Ireland. He would say, that it was with such an intention, and with the view to make the Protestant Church tolerable to the feelings of the people of Ireland, that the Resolution was now proposed. He had nothing to disguise from the House. He would say, that if the Protestant Church could not be made to exist in consonance with the feelings of the people of Ireland, it was impossible that the Government or the people of this country could maintain it. The only way to maintain the Church in Ireland was by letting the people feel they had an interest in it. The noble Lord (Stanley) had said, that if there were only ten Protestants—nay, if there was only one Protestant in a parish—he had a right to have a Church Establishment maintained for him; and the noble Lord also said, that the Catholic had not even the paltry right of having the surplus revenue of the Protestant Church applied to the education of his children. If that were the noble Lord's principle, then he had, indeed, divided the people of Ireland into two classes—into 500,000 Spartans on the one side, and seven millions of Helots on the

other. Did the noble Lord really maintain this principle, even with regard to a surplus? Because, if this were indeed the principle of the noble Lord, then, much as he respected the noble Lord's talents, and highly as he admired his character, he must say, that he would most unwillingly ever see that noble Lord conducting the administration of the affairs of this country. Any connexion of the noble Lord with any Administration, if made inseparable from such a principle as that, would, in spite of his talents and his character, be a great national calamity. The noble Lord had told them, and other hon. Gentlemen had since repeated the observation, that the resolution proposed was with a view of giving peace at once and satisfaction to Ireland. Now, he (Mr. Gisborne) never thought such a thing, and had never heard of such a proposition. But he would tell the noble Lord what the object of the resolution was, and what it would do:—its object was, to remove, and he believed it would remove, an impediment, without the removal of which peace could not come to Ireland. It would remove an insuperable impediment out of the way, and that was all it professed to do. He sincerely hoped that they might be able to attain that object. But if that impediment should not be removed, by the resolution being now rejected, he most earnestly believed that peace never could be produced in Ireland without the total destruction of the Established Church. He had a right, therefore, to claim for those who supported this resolution, that they were, by so doing, making a last and a sincere effort to maintain the Protestant Church in Ireland. He perhaps might be allowed to say a few words on the subject of the right of interference with Church-property. It had been said, that Parliament could not interfere with property over which there existed in no way any supreme power. The Church itself could not alienate the property, nor, it was said, could the State in any manner deal with it. How did the Church become possessed of property of this unintelligible quality? "Why, Sir, (continued Mr. Gisborne) in some dark and ignorant age, some gross, profligate, some enormous sinner, some oppressor of the people, some despoiler of the widow and the orphan, when lying on his death-bed is visited by a wily priest, who tells him his sins are so great that unless he give his property to the Church his soul will remain in purgatory till the day of judgment, and in eternal torments ever after.

That is the foundation of the right of the Church to that property; and the consequence of such a gift—a gift made, perhaps, after the wavering reason had ceased to guide the act or intentions of the donor—is to be that, to the end of society, this estate must be devoted to Ecclesiastical purposes. That is your first absurdity. Then, this gross and unscriptural attempt to expiate sin—this, which you, yourselves, hold to be impious, heretical, and anti-christian, you construe into an unalienable title to this property for Protestant purposes. That is your second absurdity.” To show that he was not exaggerating, nor mis-stating anything, he would not bring any paltry instance, nor cite any small portion of property which some wretched sinner had been deluded out of at the end of his life. He would read the preamble of an Act which was made the foundation of large possessions held by the Church. That Act was made by a King who was an usurper, and who, in the first year of his usurpation, being anxious to secure the clergy on his side, presented them with this large donation. The preamble of the grant of tithes by King Stephen, in 1135, ran thus:—“Because, through the Providence of Divine mercy, we know it is to be so ordered, and by the churches publishing it far and near, everybody hath heard, that by the distribution of alms persons may be absolved from the bonds of sin, and acquire the reward of heavenly joy, I, Stephen, by the grace of God, King of England, being willing to have part with them who, by a happy kind of trading, exchange heavenly things for earthly, and smitten with the love of God, and for the salvation of my own soul, and the souls of my father and mother, and all my forefathers and ancestors, confirm tithes and other donations to the Church.” That was the foundation of a large portion of the Church-property. It was in conformity with Stephen’s intentions, who, while speaking of heavenly joys, was intriguing for an earthly crown, that you founded your title to all your conscientious feelings, which will not allow you to propose any part of this property to be devoted to other than strictly ecclesiastical purposes. It was objected strongly by the noble Lord (Lord Stanley) against gentlemen on this (the Opposition) side of the House, that, if a new Government should be formed in consequence of this Resolution, it must be supported by persons of very incongruous opinions. He was surprised to hear that

objection come from the noble Lord. [Lord Stanley had made no such objection.] Gentlemen would remember that a very prominent part of the noble Lord’s speech was, that the Opposition was formed of men entertaining the most incongruous principles; that they were persons who had agreed together on this occasion, for the purpose of embarrassing the Government; but who, when they should succeed to their places, would move together very badly indeed. Now, there was a remark he wished to make to the noble Lord, because the noble Lord either agreed in principle with the present Government, or he did not. If he agreed with them, why did he not join them? If he did not agree with them, then he (Mr. Gisborne) would ask, was the noble Lord the person to make an objection to those who acted together on the Opposition side of the House? When the noble Lord was in office, he (Mr. Gisborne) was, for two or three years, not, certainly, a regular, but a general supporter of the Ministry of which the noble Lord was a member. He supported it on all questions, he believed, in which the Ministry was in any trying difficulties with the House. He had voted with it in resisting the Repeal of the Malt-tax; in resisting the Motion for a Committee to inquire into the causes of agricultural distress; in opposing the proposition for inquiry into the Pension List; and in support of the Russian Dutch Loan; on which last question he had even made a speech, such as it was, in their behalf. Did the noble Lord think that it was any objection to his Government that it had attracted to itself his (Mr. Gisborne’s) support? The noble Lord was as well aware at that time as he was at present, that they differed from each other most widely on the appropriation of Irish Ecclesiastical property. If a new Government should be formed to-morrow he would give it the same cordial and disinterested support which he had given to the Government which had preceded the present. “In that case,” continued Mr. Gisborne, “the noble Lord will, in all probability, come over to this side of the House, and I shall go over to his. I shall occupy nearly the same seat which the noble Lord occupies; but, I admit that, in doing so, I shall not occupy so distinguished a position in the House. But the difference in my situation then from the noble Lord’s situation now will be this—that I shall be sitting there to support Ministers in whom I have confidence, whereas he is now sitting there to

support Ministers in whom he avows that he has no confidence. The noble Lord, and many others on the Ministerial side of the House, had said, that it was the indispensable duty of the Legislature to regard the truth of any religion to which it gave countenance and encouragement; that it must attend to its gospel truth. Did the House remember on what occasion these words, "gospel truth" were first introduced to the consideration of Parliament? He was sure the right hon. Gentleman (Mr. Goulburn) would allow him to refer to the times of Henry 8th. These words were first used in his reign, and frequently occurred in the preambles of the statutes of that reign,

"When love could teach a Monarch to be wise,
And Gospel light first dawn'd from Boleyn's
eyes."

It was under those auspices that Gospel truth first became an element in English legislation. He recollected, also, that the noble Lord was asked how it came to pass that, if the Legislature was bound to inquire into the truth of the religion to which it grants countenance and encouragement, it now supported a Roman Catholic Church in Canada. The noble Lord had replied that, in the case of Canada, we were bound by the express terms of a treaty. Be it so; still the noble Lord was placed in this dilemma—either he must abandon his treaty or his principle; for the noble Lord, he was sure, would not contend that a treaty was enough to induce him to give up the religious principles by which he would govern a nation. He was sure that if the noble Lord persisted in adhering to his principle, and in calling upon the House to decide political questions with reference to what he was pleased to denominate their Gospel truth, he would destroy the small remnant of harmony which still existed in Ireland. Such a mode of legislation never had produced, and never could produce, harmony in any country into which it was introduced. Its results, if they were to be still tried, would produce in Ireland, as they had produced in every other society, persecution, rancour, hatred, and death. Only one word as to what had fallen from the hon. Member for South Lancashire (Lord F. Egerton) who had said that he should consider it his duty to raise, what he must call the foolish cry of "the Church in danger." It was his conviction that if that cry were now raised it would turn out nothing more than "sounding brass." It would be raised, however, to

administer advice to the right hon. Baronet like to that which was given to Captain Macheath just before he was led out to execution. That advice was expressed in two short pithy words, very appropriate to his situation, and they were emphatically these—"Die hard." He apprehended that the effect of the addresses, which he understood were now presented daily to the right hon. Baronet, and of the cry of "the Church in danger," which we were now told was to be sung in our ears from one end of the island to the other, until "it was frightened out of its propriety," would be to give that exhortation to the right hon. Baronet to "die hard," which, of his own accord, he seemed not indisposed to take. He was obliged to the House for the indulgence with which it had listened to him. He cordially agreed with the Resolution then before the House. He had been told that the effect of it, if carried, would be to shorten the duration of the existence of the present Ministers. It was not on that account that the Resolution recommended itself to his mind. If that should be a calamity to the country, he was innocent of any intention to produce it. He supported the Resolution on account of its being in accordance with principles which he had ever maintained. He had supported those principles in opposition to the last, as he now supported them in opposition to the present Ministry; and he supported them, at all events, equally careless as to the effects which the Resolution, if carried, would produce—[*Cheers.*] I should like (said Mr. Gisborne) to finish the sentence. I say, then, that I support the Resolution equally careless as to the effects it will produce on the existence of the present Government, or on the question who shall be their successors.

Mr. Williams Wynn said, when the hon. Member who had just addressed the House, attributed all the insecurity and misery prevailing in Ireland to the existence of the Protestant Church in that country, the conclusion at which he arrived, that the adoption of the present Resolution was the only means to produce peace in that country, was most poor, lame, and impotent. Every one of the hon. Gentleman's arguments went not to the regulation, but to the total subversion of the Irish Church. Whereas, this Resolution was proposed by its mover under the pretence that it would secure and strengthen, rather than overthrow what he

Mr. Gisborne), agreed with the Members for St. Alban's, Staffordshire, and Dublin, in considering to be a *nuisance*. The hon. Gentleman had, strangely enough, taken the donation of King Stephen as the foundation of the rights of the Church in Ireland; totally forgetting, it would seem, that King Stephen had not a foot of land in Ireland, and was as much a stranger in that country as the King of France or Spain. The hon. Member for Derbyshire had also said, that we ought to look at the foundation on which Church property rested; and the hon. Member said, that it rested on the donation of some enormous sinner, whom, as he was stretched on his death-bed, a wily priest had induced to atone for the vices of his life by making profuse donations to the Church after his death for the good of his soul. Now, admitting all this to be true, whatever might be the original title of the Church, still he would ask the hon. Member for Derbyshire to give him an answer to this question:—“Is there a single title to land in Ireland which is not posterior to that of the Church, and which therefore was not taken subject to the right of tithe?” It had also been said that Church property was only property held in trust for the benefit of each parish and that the State had a right to take its surplus revenues from the Church, and to apply them to the purposes of education within that limit. Admit that principle, and how far did it go? Was it only in the Church that it was to be followed up to its legitimate end? Or was it to be followed up, also, in cases where tithes were in the hands of lay impropriators? In the thirty or forty parishes of which the Duke of Devonshire was the lay impropriator—in the twenty parishes of which the Marquess of Lansdowne was the lay impropriator—in the same number in which the tithes belonged to Lord Donegal—was the House to look at the origin of their titles, and to appropriate the surplus revenue accordingly? “Tithes,” say you, “are to be devoted to purposes of education, and therefore we shall be guilty of no injustice to you in depriving you of them for that object, although they were granted to, or purchased by, your ancestor. Tithes were originally devoted to these purposes, and we insist on their being applied to their original purposes.” Where, he would ask, was the equity of such a Resolution. Where was it to end? Could it be

contended that the portion of tithes granted to an Ecclesiastic, in return for which, Ecclesiastical duty was performed in the Protestant Church, should be confiscated, while that given to Laymen, subject to no duty or condition for public benefit, should be maintained. It seemed to him, that in the debate of that night, the question was explained differently from the way the question and the principle were explained and argued by hon. Members opposite last year. They were then told, that the Ecclesiastical property to be resumed should be paid into a fund, out of which, in the first instance, the most liberal provision should be made for all the necessities of the Irish Church. The noble Lord (Lord John Russell) that night made a very different explanation of his views upon this subject. The noble Lord, and those who supported him, seemed to consider each parish in the light of a separate Church, though they admitted that the revenues of the whole Church were more than necessary. They did not take a general view, nor did they speak of parishes in which tithes are in the hands of lay impropriators. If a Protestant Church in the south had more than was necessary to supply the spiritual wants of its congregation, they were not to look at the parish in the north, where the tithes were in the hands of lay impropriators, and where the Curate only received 75*l.* a-year. No, the noble Lord would not go beyond a particular parish. Here was a parish with an income of 750*l.* a-year—there another with an income of only 75*l.* Out of the income of 750*l.* a-year—he would raise the income of 75*l.* to 250*l.* a-year, and would then leave all the rest to go to the maintenance of schools for the diffusion of general knowledge, not on the principles of the Established Church. The noble Lord in effect said, “we’ll take away where there is a surplus, and where there is a deficiency we will not make it up.” He protested against such a principle. The noble Member for Devonshire had also said, in answer to a question, that if any gentleman chose to endow a chapel in the neighbourhood of his house, that endowment he would not take away. Now, were cases of that kind rare in past times? In Ireland, as in England, after the Restoration, when a licentious age excited a reaction and produced great

zeal and devotion in the public mind, many instances occurred in which parties possessed of the tithes endowed the livings in their neighbourhood with them. Now, if these endowments had not been rendered public endowments by the sanction of Parliament, but had remained as private endowments, dependent on the piety of individuals, they would have been protected against the invasion of this Resolution; whereas at present he was afraid that they would fall under its grasping provisions. It was argued by hon. Members opposite, that the State was at liberty to confiscate that species of property, and turn it to other than religious purposes. If the duty of a parish could be discharged by a Curate of 75*l.*, why should 750*l.* be given to a Rector? The answer to this was, that the hope of succeeding hereafter to a rectory, was among the principal inducements held out to a Clergyman to enter into the profession, and accept the curacy, and that the hope of promotion was among the most powerful incentives to good conduct. The present Government had already displayed ample disposition to remedy the abuses of the Irish Church by proper regulations; but because they showed that disposition, it was no reason that the property, granted to endow the Church in Ireland, should be separated from it, and applied to purposes wholly and entirely different. The details of this plan, and the manner in which it could be carried into execution, were, as yet, wholly unexplained. He really could not see how a principle of that sort could be embodied in the Tithe Bill now in progress through Parliament. It was more probable that the noble Lord would find himself obliged to bring in a separate Bill, in order more fully to carry out, according to the wishes of his supporters, the principle contained in his resolution. For his own part, he would never consent to be a party to the introduction of a measure of the kind, which he considered utterly impracticable, as well as devoid of all just principle. He never could bring himself to consider Ireland otherwise, than as an integral part of the empire, and the Church of Ireland as an integral part of the Church of the United Kingdom: so viewing both, it would be impossible for him to avoid regarding attacks made upon the property and independence of the one, as not equally levelled against the other. He was old enough to be one of the few Members of that House,

who could remember the period of the Union between Great Britain and Ireland. He could also remember the several arguments urged to influence the consenting parties; amongst these was that great inducement held out to the Protestants of Ireland—namely, that if they consented to make those sacrifices, necessarily involved in a union under any circumstances, they would then, and in perpetuity, secure all the benefits which might result to them and their remotest posterity, from the preservation and maintenance of the Protestant reformed religion in Ireland, by the incorporation of the Church of Ireland into one establishment with the Church of England. How gross, then, would be the breach of faith that, of necessity, must ensue from the united Legislature not realizing the promises it held out, and how grievous the disappointment to those who had placed implicit reliance upon the fulfilment of those promises. Whatever might be the objects of others who had supported this Resolution, he could not believe that his right hon. Friend, the Member for Cambridge (Mr. Rice), was actuated by feelings hostile to the Protestant Church, and that he was one who would consent to anything that might lead to the subversion of the Church Establishment in either country. He feared, however, that if the motion was carried, many hon. Gentlemen who wished to proceed only a certain distance, would be obliged to go further. They would find that they had embarked on a voyage which they no longer had the option to abandon. The vessel might be steered for a port different from that of its declared destination. The crew might rise in mutiny—still they must proceed, unless their aid should be found no longer necessary, in which case they might be cast overboard. Do they depend upon the ostensible leader and commander? They will find him like the figure head on the prow, conspicuous indeed, and giving a name and character to the vessel, but wholly powerless to direct it, while it is urged irresistibly forward by the blasts from above and the currents from below, and guided by the concealed hand which holds the rudder, and thus hurried towards that vortex—
 “That, hushed in grim repose expects its coming prey.”

Towards that vortex — towards certain destruction—he feared the vessel of the

State was hastening; and seeing that it was, he could not help expressing his belief that the Church was in danger. Not only was the Church in danger, but if the present Resolution was carried, every institution in the country would be in danger. The existence of the House of Lords would be endangered—of that House which the hon. and learned Member for Dublin proposed to subvert, and substitute in its stead a Representative Assembly. He believed that it would place in imminent danger, the connexion between England and Ireland, and he looked upon the measure as a most material advance towards such destruction.

Colonel *Sibthorp*, after remarking that he had no doubt the hon. Member for Derbyshire (Mr. Gisborne) entertained the expectation of inducing the right hon. Baronet to resign, and of placing himself in some very important situation, proceeded in the following words:—I am desirous to express my consternation at that—I will say—unconstitutional proceeding to which the noble Lord has lent his sanction. I think—at least I hope—that the noble Lord, on a future occasion—he who undertakes the Appropriation of the surplus property of the Church—will give us some opportunity of hearing from the same quarter a declaration that he means to leave Ireland in the possession of lay impropriators. I hope, when a Bill for the Reform of the English Church is brought in, that we shall hear something of the House of Russell—of the House of Russell giving up their lay impropriations. I will not believe the sincerity of the noble Lord unless I see this take place. He will allow me also to say that I doubt his sincerity, because I believe him to entertain—to hold—I may say to be actuated by—the wish to turn out an honest Ministry, and bring in another, whose condemnation is well known in the public opinion of the liberal portion of the country. I am perfectly satisfied that the right hon. Gentleman below me will retain his post so long as a sense of honour will induce him to keep it; and I am satisfied that when he does leave it, he will carry with him the gratitude of one side of the House, and the overthrow of the other. This Question has already undergone considerable discussion; I have heard many arguments from this side of the House, but I have heard little more than *vox et preterea nihil* on the other. Sir, what said the hon. Member for Derbyshire?

Why he told you that this was the last attempt of the noble Lord to keep up the Protestant Church in Ireland. But he also told you that this would not pacify Ireland. Why what will the hon. Member—the great man—the Prince of Dublin—say to this? What has he said? He said that this was but an instalment. Of the body opposite, I know not what the head may be, but I believe the tail will leave the other part. What will be the result? Unprecedented confusion; an unheard of breaking up of the whole system, the head will be at one end and the tail will be—at the other. Sir, I say that on the right hon. Baronet's continuance in office depends the safety of the Crown and preservation of the honour, the character, and I will venture to say, the dignity of the country.

Mr. *Hogg* contended that the arguments founded upon the fact that the Protestants formed but a small minority of the people of Ireland, if good for anything, would go the length of justifying a total abolition of that Church. In his opinion nothing could be more plain than that the supporters of the present proposition contemplated ulterior measures against the Church. If the enemies of Protestantism were once allowed to enter the breach, the House might rest satisfied of this—that they would not retire without accomplishing all the objects of the attack—If the breach were once made, the defending party might most assuredly expect to live long enough to repent of the facility with which they appeared ready to make concessions. He was not an enemy to removing the abuses which in the course of ages had grown up in the Church. He should say, by all means reform the Church; but he would call upon them so to reform as not to impair the efficiency or destroy the unity of the Church; let them reform, but let them never do so upon hypocritical pretences, for he could scarcely designate the arguments used on the other side as anything else; fairly considered, they went the whole length of total abolition. He entreated the House to look at the avowals made by the supporters of the present resolution, and called upon them to say if they did not agree with him that the Church was in danger. He did not fear to repeat that cry, for he sincerely believed that the Church was in danger; and, after the resolution adopted by that House, he should say in imminent danger. If he possessed the power, he should willingly trumpet

through the land the cry that the Church was in danger, and he did believe that the people of England would respond to that cry, and that they would not prove indifferent to that religion to which they were indebted for so many advantages, and which had showered on them so many blessings. It had been alleged that the resolution of the noble Lord did not amount to any very great encroachment. No doubt that was perfectly true; but it was a first step—it was the concession of a principle. Did they suppose that a wily spoliator would seize the largest and most precious booty in his first attempt? They might be assured that while he dilapidated he would make the pretence of effecting repairs. He was not ashamed to confess that he had always been a supporter of the measure of Roman Catholic emancipation, but he was as ready to confess that the advocates of the measure had expected results from it which unfortunately never had been realized, while, on the contrary, it had gone far towards realizing all the fears of those by whom it had ever been opposed. During the discussions on the Catholic Question, if any hon. Member could, with a prophetic spirit, have foretold the scenes then enacting in the House of Commons, and described them as necessary consequences of the measure of emancipation, he would have been treated as a maniac, or something worse. But now, when it was easy enough to have the full benefit of experience, the House should pause before it incurred the hazard of enduring all its evils. If they had been told in 1829, that a noble Lord like the Member for Devonshire could have brought forward such a motion, and that he was to be supported by the votes of Catholic Members, the whole would have been treated as a mere chimera—as the mere offspring of a diseased and bigoted imagination. It was true enough, that when a commutation was talked of, and even actually proposed, it was said, that the people of Ireland were shrewd and penetrating—that they were not to be deluded, but he would affirm that at all events, until the commutation should be effected, the supremacy of the law and the rights of the clergy should be maintained; had those rights never been tampered with, much blood would have been spared, and the Protestant clergy would not have been exposed to the sufferings which they had endured with such unequalled fortitude. As he had already said, he was far from wishing to resist the

progress of rational reform. He wished to see a more equal distribution of the revenues of the Irish Church; and above all (agreeing with the hon. Member for Weymouth) he wished to see the working clergy more properly maintained. He was as anxious as any man to see a speedy removal of the abuses existing in the Church Establishment, but he could not understand why the hon. Members opposite refused to coalesce with the right hon. Baronet, the Chancellor of the Exchequer, in attaining that object by proper and safe means. The right hon. Baronet would obtain for the people of Ireland all they could desire in this respect, and therefore he thought that House ought not now to be called on to decide a mere abstract question, from the affirming of which no possible good could possibly arise. This might be regarded as an extreme case, but surely it was neither wise nor expedient to discuss it until the contingency on which it was based arose. How could their decision bind future Parliaments, or could it be imagined by any rational man that the theories or anticipating legislation of the noble Lord would regulate hereafter the disposal of any surplus which might accrue? He maintained that the tendency of such a discussion as the present was, to endanger the real principles according to which the surplus revenues of the Church ought to be distributed. The resolution called upon them to seize a portion of the revenues of the Church for a particular object; but for his part he did not believe that the people of Ireland would be satisfied with anything of the kind. What, he should like to know, would they say of those who impeded every measure intended for their relief by factious opposition? Now, he would admit that Ireland had in former times been both oppressed and misgoverned; but this had not been the case latterly. For the last twenty years he contended that that country had not only had its full share of the time and attention of Parliament, but of the money of the British Nation—and he therefore must be permitted to express it as his opinion that the adoption of such a resolution as the present was calculated to effect great mischief in Ireland. He regarded the property of the Church as sacred and inviolate, and consequently he could not give his sanction to a resolution which went to establish a very different principle. The hon. Member adverted to the conduct of the Opposition on the Question of the Speakership, and was proceeding to eulogise

the character of Viscount Canterbury, when he was interrupted by cries of "Question"—"Divide," amid which he resumed his seat.

Mr. Lucas said, that an allusion had been made to him by the hon. and learned Sergeant opposite (Mr. Sergeant Perrin), he would beg leave to answer his remarks. The hon. and learned Sergeant had alluded to five parishes in the county of Monaghan, in which the landholders were principally Catholic, while there was but a small proportion of Protestant landholders, and in which there were large livings, and scarcely any resident rectors. He admitted that the statement was correct, and that it was not a state of things which he could approve of, but in this and in similar instances, the fault was not so much in the individual clergyman as in the system. The Irish Church, like all other human institutions, was in the course of centuries liable to imperfections. The hon. and learned Sergeant had said, that he would restrict the incomes of the clergy to a certain sum. In that he (Mr. Lucas) would go with the hon. and learned Gentleman, and he was convinced that, in saying so, he merely expressed the opinions of a large body of the Protestants of Ireland.

The Chancellor of the Exchequer: He did not know that he should have felt it necessary to say a word upon this occasion if, during almost the whole of the debate which had taken place that evening, it had not been assumed that the House was again discussing precisely the same question that had formed the subject of six previous nights' debate. He, however, apprehended that the question which had formed the subject of discussion during those six nights was, at an early period of the present evening, disposed of. The House having last night affirmed the Resolution of the noble Lord in Committee, he, that evening, on the Resolution being reported, considering that there was no probability that any variance of opinion would be expressed by the House from that which it had expressed in Committee, permitted the Report to pass without discussion and without a division. But the Resolution which the House was now called upon to affirm was this:—"That no measure upon the subject of tithes in Ireland can lead to a satisfactory and final adjustment which does not embody the foregoing Resolution." He had great objection to the form of the present Resolution, and to the precedent which it

would establish—a precedent perfectly novel, and with respect to which the noble Lord himself must have entertained great doubts, since it was an entire departure from the course which he originally gave notice it was his intention to pursue [*Cheers*]. The noble Lord, in the first instance, said, that if the House of Commons affirmed his Resolution, he would notify that fact to the Crown by address, in order to enable him to proceed with a Bill. What did he now propose to do? He had passed his Resolution; he proposed to make no communication to the Crown, he proposed to make no communication to the House of Lords, but he did propose that the House of Commons should inform itself that it had passed the Resolution, and that it would hereafter be irrevocably bound by it. [*Cheers*.] The noble Lord now called upon the House to declare, that no measure which should not embody the principle of a certain Resolution could lead to a satisfactory settlement of the tithe question. He objected to that proposition. He thought it would be most unwise in the House to declare before hand, that one single measure could alone lead to a final and satisfactory result. [*"Hear, hear."*] Those who approved of the Resolution originally moved by the noble Lord were perfectly at liberty to object to his present proposition. [*"Hear, hear."*] A majority of the House—a majority of 25, had affirmed a certain Resolution, against which a minority of 289 protested, independently of those who paired off, making altogether a minority of about 300 Members. The noble Lord now called upon the House again to affirm the principle of that Resolution in a still more binding manner—to declare that all further discussion was unnecessary—that no proceedings in Committee on the Tithe Bill needed to be listened to—that there was but one measure which could effect a final and satisfactory settlement of the tithe question, and that was the measure to which a small majority of the House had agreed. He (Sir Robert Peel) did not hesitate to denounce this proceeding as the tyrannical act of a majority [*vehement cheering for some minutes*]; the tyrannical act of a majority, by a proceeding of a perfectly novel nature—a proceeding for which no precedent could be found, precluding the necessity of further discussion, closing the opportunities of new arguments; resolving that they

would not be convinced, binding themselves by an unnecessary pledge to maintain, under all circumstances, a certain opinion. This course of proceeding was unwise in itself, besides establishing a dangerous precedent. [*Hear.*] What was the Resolution which the noble Lord called upon the House to affirm? It was, that if there should be a surplus of Church revenue, it should be appropriated to one single specific purpose, to the exclusion of all other objects. The House had already recorded its opinion—it had had it in its power to wait for the Report of the Committee on Public Instruction, and it would be perfectly consistent even in those who thought, that the surplus ought to be appropriated in the manner proposed in the noble Lord's Resolution, to wait until this House could avail themselves of information which would be contained in the Report of the Commissioners, and thus avoid making the precipitate pledge which was now demanded from them. [*Hear, hear!*] The noble Lord himself, had that night, with singular candour, told the House, that he could not bring forward any detailed plan for the enforcement of his own principle, until he had seen and considered the Report of the Commissioners. [*Loud cheers.*] Would the House of Commons, then, adopt a course of proceeding by which it would preclude itself from profiting by the information which must be contained in the Report of the Commissioners? Would they adopt the novel course of pledging themselves irrevocably to a principle—of prophesying that one thing, and one thing only, could lead to a final and satisfactory settlement? The adoption of the Resolution now before the House would cut off all chance of that which was sometimes absolutely necessary for the wisest and most infallible in the conduct of human affairs—namely, all possibility of compromise. Occasions sometimes occurred in which it was necessary for one branch of the Legislature to modify its opinions for the purpose of effecting an amicable agreement with another branch on some great public question; but now it was proposed, that one of the three branches of the Legislature should, without waiting for the result of inquiries, which are acknowledged to be essential to the formation of any plan, declare, that they would adhere to a principle which they had laid down, and listen to no compromise what-

ever. [*Hear, hear!*] If that course were adopted, the public men who were parties to it would be bound up from acting on the possible necessities of the future—the House of Commons would be cut off from the exercise of a free judgment—from the means of wise and honourable compromise, and would establish a precedent for insisting on the execution of its own designs; even before those designs had been moulded into the shape of a legislative enactment. [*Hear, hear!*] What was the object of all this precipitation? If there was a majority sufficient to carry the Resolution, it must be sufficient to enforce the principle of that Resolution hereafter. Why, then, not wait for the Committee on the Tithe Bill? Was not the conduct of the Opposition, in fact, a practical declaration to the people of England to this effect:—"We have confidence in our Resolution, but we have no confidence in ourselves?" [*Loud, and continued cheering.*] It seemed necessary for the parties to this proceeding to swear eternal friendship upon their Resolution. For two months, they had been attempting to discover a common bond, by which they could unite themselves in opposition to the King's Government; at length they discovered one, and so anxious were they in all times of future difficulty and embarrassment, to adhere to it with desperate fidelity, that they were afraid to trust their own discretion—they were afraid to trust in the permanence of their new alliance—they were afraid to trust their own perseverance in their own opinion, but they proposed, by a novel course, to bind themselves to each other, not to dissolve their only tie. [*Great cheering.*] He objected to the precedent it was proposed to establish, which was one which any majority hereafter might follow. Henceforth it would be merely necessary to gain a majority upon some preliminary point, and then to declare, that no compromise would be admitted. By agreeing to the present Resolution, the House would not only adopt the noble Lord's principle, but would proclaim to the people of England and Ireland, that the only satisfactory arrangement of the Tithe Question, must be founded upon the basis of a principle, from which 300 Members of the Commons dissented. [*Hear.*]

The sentiments which he had heard in the course of the discussion, had not tended in any degree to diminish the appre-

hensions which the former debate excited in his mind. ["*Hear, hear!*"] In whatever respect new ground had been taken that night, it was still more dangerous than the ground occupied before. The noble Lord was asked, how he meant to ascertain the surplus? He was asked to give some explanation of his principle, and in the course of that very short speech, in which he professed his inability to produce any plan until he had seen the Report of the Commissioners, he ventured on an explanation of his principle, and it was to this effect:—"If there be in the south of Ireland, in Kerry, or Limerick, for instance, livings superfluously endowed, in that case it would give no satisfaction to the payers of tithe in the parishes to which those livings belong to transfer the surplus to supply deficient endowments in the north, in Down, or in Derry; but the surplus ought to be applied to the purposes of education in the parish from which such surplus is derived." If that principle were followed out, it would establish a separate, peculiar, local, parochial interest in the amount of tithes; it would constitute each parish into a separate territorial division, and proclaim to the people of Ireland, that henceforth each parish should have a separate and peculiar interest in the amount of tithe levied within it. ["*Hear, from the Opposition.*"] The hon. Members who cheered, affirmed that proposition. Then, he asked, in answer to their cheers on what pretence will you limit the appropriation of the surplus to purposes of education? [*Cheers.*] After having established a separate, peculiar, and parochial interest in the surplus, will you declare, that to no one purpose shall it be applied excepting that of education in each particular parish. ["*Hear, hear!*"] Supposing a parish should answer, "We have education enough already—we have several endowments for the purposes of education—the Protestant landlords have established schools—our children are all amply instructed, there are no demands in our parish for further education; at our own desire, and with a view to maintain our independence, we voluntarily make a small payment for each child, and we require no more funds for the purpose of instruction;" in such a case how would the noble Lord's limitation of his principle, satisfy public opinion in the parish of which I am speaking as an example? Supposing the noble

Lord were to assign the surplus to a neighbouring parish, less amply provided with the means of instruction, did he think that that application of it would create more satisfaction than if he transferred it to a distant one? Did he, who objected to the transfer to Down, or to Derry, believe that after the establishment of his principle, the providing for the wants of an adjoining parish from the tithes of its neighbour would give satisfaction to the payer of those tithes? From what he (Sir Robert Peel) knew of local feuds in Ireland, he was sure that the application of surplus parochial funds to the necessities of a neighbouring parish was not likely to be received with greater favour than their transference to the north of Ireland. Thus, after disturbing all existing notions with respect to property, the noble Lord would fail to give satisfaction to the people of Ireland, which was the only object which he professed to have in view. But did the noble Lord recollect that he himself was a party to a measure which made an important change with respect to large and overpaid livings in the south of Ireland—he alluded to the Church Temporalities' Bill, which was passed only two years ago? The preamble of that Bill was utterly at variance with the noble Lord's Resolution. That Bill was the last legislative declaration on the subject of the Established Church; and it was a declaration made on the advice and at the instance of the noble Lord; it distinctly laid down the principle of a different distribution of Church-property; it distinctly laid down the principle, that overpaid livings might be curtailed, that tithes might be detached from Arch-bishopricks and Bishopricks; it laid down the principle that sinecures in the Church should be abolished, and the proceeds appropriated to certain purposes; but then, there was this express limitation, that those purposes should be Ecclesiastical, such as the building, rebuilding, and repairing of Churches, the augmentation of small livings, and such other purposes as might conduce to the advancement of religion and the efficiency, permanency, and stability, of the United Church of England and Ireland. [*Cheers.*] Thus, the Ecclesiastical Funds were limited to purposes strictly Ecclesiastical, and the object of the noble Lord's Act was declared to be to give permanence and stability to the United Church of England and Ireland. What confidence could the people

place in the intentions or Resolutions of that House when it saw them exhibiting such utter disregard to the enactments, to the main principles of Bills brought in—not last century—not forty years ago—not by a Tory Government—not by the devoted friends of the Church, but by the Government of which the noble Lord was a Member? [*Cheers.*] The noble Lord had forgotten not only the preamble but the enactments of that Bill. These overpaid livings in the south of Ireland, which caused such scandal, and were so offensive in the eyes of the noble Lord. [*“Hear, hear!” from the Opposition.*] He could assure the hon. Gentlemen who cheered that he was going to prove, that the noble Lord was a greater Reformer than he had given himself credit for being; that the noble Lord had already made provision for the correction of those very abuses in the Church of which he was now so grievously complaining. Such, however, was the modesty of the noble Lord, so oblivious was he of his own good deeds, that he had actually forgotten the enactments of the Bill, of which he was one of the most powerful supporters, which provided a most effectual remedy for the very evils which now appeared to shock him so much; for by one of the clauses of the Bill it was expressly provided, that if any livings should be found in the south or in any other part of Ireland with incomes exceeding 800*l.* a-year, it should be competent to Commissioners to detach the tithes of certain townlands, from them, and assign them to neighbouring livings, for the purpose of securing a resident Minister. The limitation placed by the Bill on the extent of the deductions from these livings, was this, that no living should be cut down below 300*l.* per annum. If, therefore, the noble Lord would apply the principle of his own Bill through the agency of his own Commissioners, he would destroy all the enormous livings in the south of Ireland whose funds he now wished to apply to purposes of education. [*“Hear, hear.”*]

Let the House now look practically to the consequences which must follow from the adoption of the noble Lord's proposition. After the resolution had gone forth, a resolution adopted after much parade—after a call of the House—after a debate, protracted to seven nights—the people in every parish in the south of Ireland would naturally scan it with a keenness,

proportionate to all this preliminary parade and attempt to ascertain its real meaning. The noble Lord proposed that any surplus which might be obtained should be applied exclusively to education, on the express ground, that education is an ecclesiastical purpose; but how those hon. Gentlemen on the other side, who maintained that the surplus could, and ought to, be applied to secular purposes, could consent to bind themselves by the terms of the noble Lord's Resolution, he (Sir R. Peel) could not understand. However, that was a point for them to settle. He (Sir R. Peel) was glad of the limitation, because, if spoliation was to be committed, it was gratifying to know, that it was proposed to confine it within certain definite bounds; but how could such limitation meet the approval of those who declared, that the noble Lord's Resolution was only valuable on account of the principle which it contained? The hon. Member for Derbyshire, who had by his own confession been searching for precedents, had been able to quote only two authorities in justification of the principle of spoliation, one an ancient, the other a modern one. His authorities were Henry 8th. and Captain Macheath. [*Laughter.*] The hon. Member, after giving him (Sir R. Peel) credit for his historical knowledge as regarded Henry 8th., was kind enough to assume that he was equally cognizant of the principles and practice of Captain Macheath. He knew this at least of the character and exploits of the Captain—that he was a wiser man than the hon. Member; for he never appropriated a surplus till he had ascertained its existence. [*Great cheering and laughter.*] True; the Captain applied his surplus to secular purposes. [*Laughter.*] So far his example was a precedent, but he differed from those who appealed to his authority in this respect, that his surplus was never an imaginary one. But, to return to the noble Lord: when the noble Lord's Resolution should arrive in Ireland, accompanied by the speeches of the noble Lord and all the hon. Members who had supported it, the people would find it distinctly explained, that their interest in tithes was a local and parochial interest—that tithes belonged not to the Church, not to the State, but to each parish from which they were derived. They were further forewarned, that, in case the Protestant interest should here-

after revive in a parish in which the surplus had been appropriated according to the noble Lord's principle, the new interests which might have accrued in the mean time were liable to be set aside, and the fund re-applied to its original purpose. [*"Hear, hear!"*] Suppose a vacancy should take place in a living of 1,000*l.* a-year, who was to determine what would be a fitting provision for the Protestant clergyman? This question would arise upon every vacancy. There would be a public meeting. The number of souls then in existence would be counted; the Roman Catholic clergyman would be at work, the expectant Protestant clergyman would urge his claim, the whole parish would be aroused from its slumber; for there would be a manifest interest in diminishing as far as possible, the stipend set apart for the Protestant minister. That stipend, be its amount what it might, would be regarded with an evil eye as a superfluous charge on the parish purse—as a diminution from the amount applicable to parochial purposes of public utility. See how many conflicting interests would be called into life by this new principle of appropriation; to how many new elements of social discord it would give birth. The Protestant landlord would have a direct interest in collecting round him as numerous a Protestant tenantry as possible, in order to establish a claim—an eventual claim, at least—to a part of the surplus. The more strong his sense of religion, the greater would be his interest in the establishment of this claim on behalf of the faith which he professed. You thus gave him a new interest, an interest recommended to him by the highest and purest principles, to surround himself with a Protestant tenantry, that is to say, to dispossess Roman Catholic tenants of their land on the expiring of leases, and supply their places by Protestants. On the other hand, the Catholic population would have a direct interest in intimidating and driving away Protestants; and thus religious jealousies would be added to the other causes which at present rendered the letting and the holding of land in Ireland sources of excitement and disturbance. Again, supposing the case to which he had already referred—namely, that a surplus should be found in a parish in which the means of education were already abundant, would not the Catholics say, "You have

established the principle, that we have an interest in the surplus; we shall derive no advantage from the application of that surplus to instruction, and, therefore, we insist that it shall be applied to some other local purpose, and not diverted to another parish." How could the noble Lord answer that argument? [*"Hear! hear!"*] How could he, with his principles, divert the tithes—the parochial fund, which must not be transferred to Derry or to Down—how could he divert it to another parish? What endless discord there would be! The other parish might be tithe free. "Are we," the tithe paying parishioners will say—"are we to pay tithe for the benefit of those who are exempt? We had a resident clergyman under the old system. He did spend the produce of our tithe among those who paid it, but now the tithe is to be paid, as before, but it will be applied to the benefit of others." [*Hear! hear!*]

There was a part of the speech of the hon. and learned Member for Cashel which appeared to make some impression upon the House; and, having alluded to the hon. and learned Member, he would add, that, strange as it might seem to some hon. Members opposite, there was very little difference between them (Sir R. Peel and Mr. Perrin). The hon. and learned Gentleman did not advocate the doctrine of the hon. Member for Derbyshire, that the Legislature might be indifferent with respect to Gospel truth. The hon. Member for Derbyshire was evidently an enemy to all establishments. Why, on his principles, would he allow the establishment to exist in England? It was no answer to say, that it was supported by the majority of the people; because, according to the hon. Member, there should be no endowment of any one form of worship. Endowments, according to him, obstructed the progress of truth; and each religion, whether pure or corrupt, should be allowed to make its own way. If this argument was good for anything, it clearly applied, not to the church in Ireland exclusively, but to the establishment in this country. The hon. Member for Cashel, however, was an advocate for religious establishments. Said the hon. Member, "I find a certain parish in Monaghan, which contains but four Protestant families—the amount now allotted to their spiritual guide I will reduce—but I will provide the four families with the means of religious instruction."

Why the noble Lord, the Member for Lancashire (Lord Stanley) had not gone one step farther than this. He said, if there were ten Protestants in a parish, he would secure to them the means of religious instruction, and the opportunities of divine worship according to the rites of the Established Church. Or rather what he said was this. If they have now such means, I will not consent to deprive them of what they possess. And what said the hon. Gentleman? Not only that he would not deprive them of them, but that there should be—not, indeed, an overpaid absentee rector, with an income of 700*l.* a-year—but a resident Protestant pastor to administer the offices of religion to those who required them—not with the paltry stipend of 75*l.* a-year, which the curate now receives for his services, but with an income of 250*l.* Here then would be 250*l.* a-year allotted with a wise liberality, not only for the spiritual instruction of four Protestant families, but for the purpose of recognizing the great principle interwoven with the existence of a Church Establishment, that for those members of it who lived or might live in that parish, there shall be the means of publicly worshipping their God, according to the principles of their faith. Now he (Sir Robert Peel) would ask the hon. Gentleman this question: If he were to divide the revenues of the Church equally among every parish, taking his own standard as the standard of clerical remuneration, was he quite sure that there would be a surplus of Church revenue? The sum of 250*l.* was assumed by the hon. Gentleman to be the minimum at which the proper performance of a clergyman's duties ought to be remunerated; he would assign this as the stipend of a clergyman in that parish in which there were only four Protestant families, but if he (Sir Robert Peel) took the case of a clergyman in a large parish, in a populous city, who was obliged to move in a certain station of life, and to maintain his family in decent and moderate independence, was it not clear that 250*l.* per annum would be a most inadequate provision? Give me 250*l.* as the minimum for the country parish, give me, what is manifestly not more than sufficient, where the Protestant congregation is numerous, where the parish is situate in an extensive town, and I meet the learned Gentleman with perfect confidence, on his own grounds, and I tell him that on his

own principles and his own reasoning he has not one farthing of surplus.—See, too, what his admission is, his just and liberal admission, that 250*l.* is not too large a provision for the clergyman who has charge of his parish with the smallest possible number of Protestants. See what it implies beyond the allotment of the stipend. It implies the necessity of a place of Protestant worship, it implies the necessity of a residence for the minister. The charge for these if not built—the repairs of them if built, fall now upon the revenues of the Church. Where is the surplus when all these essential requisites to Protestant worship shall have been provided for, limiting the provision to those parishes alone, in which there is a Protestant population? [*Hear, hear !*]

He agreed fully with what had been said relative to the propriety of enforcing residence among the clergy. He would not limit that principle to the removal of the abuses caused by the absence of an incumbent, who spending his money at some distant watering place neglected the performance of his clerical duties. He would be contented to destroy pluralities. [*Cheers.*] He would not hesitate to declare that the ministers of the Church who were spending their incomes in places of mere amusement, and were neglecting the personal discharge of spiritual duties, were not fulfilling the condition on which the endowments of their benefices were given to them [*loud cheers*], and a law should pass to remove those unsightly defects, if they existed, in the constitution of the Church in Ireland. And with his full consent that law should apply not merely to future, but to every existing incumbent. There was no vested interest that could be pleaded against the performance of that high trust for which alone that interest was vested. [*Great cheering.*]

He did not wish to enter upon a consideration of the Acts of Richard 2nd., which had no application to the question before the House—which related to the impropriation of tithes. If the tithes did not belong to the rector, they certainly did to the Church [*“hear, hear !”*] and should be applied to the purposes for which the Church was consecrated [*Cheers*]. If the learned Gentleman's argument was valid; if the parishioners, in their personal capacities, and not the Church, had a

right to the tithes—how did he propose to deal with the lay-impropriator of tithes? Could the alleged right of the parishioners to tithes be defeated by their transfer to a lay-man.

An *Hon. Member* on the Opposition side.—Length of time has sanctioned the abuse.

The *Chancellor of the Exchequer*: Length of time! there is no right which prescription has given laymen to their property, which it has not given in at least an equal degree to the Church [*Cheers*].

He had another objection against this Resolution. Its object was to obstruct by unfair means the passing of the Tithe Bill, [*"Hear, hear!"*] It was a way of notifying to the Government, in a dangerous and unprecedented manner, "We will not permit you to introduce your measure; we will not allow you to pass any preliminary stage in which after discussion any point could be agreed to; we will not consider the Bill in Committee, unless you agree to this Resolution as a preliminary condition." He could not agree to it. He objected to it on the ground, that the principle of the Resolution was dangerous and unjust; he objected to it on account of the manner in which it had been brought forward—he objected to it because those by whom it was prepared admitted a total want of information upon the subject on which they were legislating. Acting upon erroneous data—not having determined the amount of the property of the Church—not knowing how much they wanted for the purposes of education, they proclaimed their object to be a final settlement, a satisfactory settlement, and yet they established no principle by which their future course was to be guided; or if they did establish a principle, it was one of much more extensive and dangerous application than they professed it to be. After their debates of seven nights, there were many important points that had totally escaped observation. They had not taken into account how many livings there were in Ireland the right of presentation to which belonged to laymen and was held as private property. If they were to deduct these advowsons, they would find a large sum must be subtracted from their estimate of the Church property, for he apprehended that they would distinguish between the rights of the private and the public patron. In the Church

Temporalities' Bill this distinction was made, and he supposed it would be made again, for the noble Lord would probably respect the rights of private property belonging to individuals. There were 300 livings in the hands of individual patrons. He did not pretend to know the exact amount of their value, but if it corresponded in a proportionate degree with the ordinary value of Crown livings in Ireland, and if they were to be treated as private property, about one-fourth of the whole revenues of the Church was at once placed beyond the control of the noble Lord. Here was one case, in which a great deduction must be made from this alleged surplus. But how could they determine, how could they approximate to the estimate of the surplus, without having decided on the principles of the new Tithe Bill, on the amount of the abatement which was to be made from the present legal demand of the Church. This was a most important point. [*"Hear, hear!"*] The right hon. Gentleman who lately held the Office of Secretary for Ireland had declared that the landlords were not treated too favourably in the Bill sent up last year to the House of Lords, and had stated his determination, when the Tithe Bill came before the House, to insist on terms as favourable to the landlords of Ireland, as those contained in last year's Bill. Now, if the right hon. Gentleman acted on this principle, and was successful in enforcing it; he would make a very material reduction in the future revenues of the Church. [*Cheers*.] If, as in the last year's Bill, two-fifths of the tithes were to be given to the landlords, the tithes being valued at 545,000*l.* and one-fifth of 545,000*l.*, being 109,000*l.*, the sum of 218,000*l.* must be deducted from the value of the tithes. There would then be left 327,000*l.* as the future annual value of tithes in Ireland. And here he would beg the noble Lord to observe, that they were rapidly reducing his estimate of 800,000*l.* [*Cheers from the Ministerial side of the House*.] If the noble Lord agreed with the right hon. Gentleman, so recently his colleague in office,—the colleague intrusted with Irish affairs, the author of the Tithe Bill of last year, it was clear that the tithe property of the Church was reduced by one blow to the annual sum of 327,000*l.* But were the compositions for tithe to be re-opened, as they were by the Bill of last year? If they

were, here was a fresh deduction even from the sum of 327,000*l.* Consider these three separate causes of reduction of the assumed surplus—reductions of which you yourselves are the advocates. First, there is the private patronage of livings, which is not within your control. Secondly, two-fifths taken from the present amount of tithe. Thirdly, compositions of tithe re-opened; and then inquire calmly whether the remainder be more than sufficient for the decent maintenance of the Church. Now was it just towards the Church, was it likely to conciliate the good feeling and good-will of those for whom they legislated, to proceed to pass this resolution with such false assumptions of the real amount of the revenues of the Irish Church. [*Hear, hear!*] There was no excuse whatever for this course. Returns had been called for, and in three days they would be before the House. [*Hear, hear!*] Hon. Members opposite had eagerly sought for that information, but they now refused to be governed by it, and pledged themselves to listen to nothing but the resolution. [*Cheers from the Ministerial benches.*] They might act upon that determination, but happen what might, he would not adopt the principle of that resolution. [*Loud and prolonged cheering from the Ministerial benches.*] He would not give effect to it. When he considered the hopes they had raised, and the expectations they had excited, which he knew must be disappointed, he might well say that the boldest man would be justified in shrinking from the responsibility of that resolution. [*Cheers.*] Even if the resolution was passed, its principle would not apply, until vacancies in livings should occur. The result of this Debate, now continued for seven days, would only affirm a principle whose practical effects must necessarily be suspended, until existing interests had ceased. And what was the condition of these clergymen in the south of Ireland, who, the House thought, were loaded with superfluous wealth? They had been deprived of their tithe for the last four years. If he had interfered with the noble Lord's resolution, for the purpose of amending it (which he had no intention of doing), the first claim he should assert, would be to provide compensation for those who had suffered under, but patiently acquiesced in the wrong, which had been inflicted on them. Surely, the justest claim on a surplus, if there were a surplus, would be that

of those who had been robbed of their property. [*"Hear, hear."*] If they found clergymen with wives and families resident amongst their parishioners, deprived of their rights because they had been temperate in the enforcement of them—because they had shrunk from extreme measures—because they had submitted to severe personal privations rather than come into collision with their flocks, were their demands for retribution to be disregarded? [*Cheers.*] He held in his hand one of many letters which he had received on this subject, and he was resolved to bring an individual case before the House, as an example in order that they might see the extent of pecuniary loss to which the clergy had been already subjected. It was written with great simplicity, and on that account was the more affecting. The right hon. Baronet then read an extract from the letter: "I entreat you," said the writer, "if practicable, to create a fund to provide for the widows and orphans of clergymen, which the contemplated reduction of their incomes would render peculiarly well-timed, as many must now be disabled from partially attaining that object by effecting insurances on their lives. And, lastly, to relieve them from future instalments (together with arrears now due) to the Board of First Fruits, for loans advanced them to build their glebe-houses. I sincerely wish mine was an isolated case, but if many are similarly circumstanced with myself, they have great difficulties to encounter. I effected the composition in my parish (in 1832) at a sacrifice of 150*l.* per annum of the income I was for years in receipt of—namely, 580*l.*; thus voluntarily reduced by me to 430*l.* By the proposed Bill, this will be further reduced to 322*l.* 10*s.*; out of which I shall pay 50*l.* insurance, 43*l.* rent, 29*l.* first fruits; leaving a balance of 200*l.* 10*s.* to support my beloved wife, ten children, and myself, after being above forty years an unworthy labourer in the Christian vineyard. [*Cheers.*] A murmur, however, shall not escape my lips, for I feel convinced the welfare of the Established Church is the object you and the Government are most anxious to promote. Were the second measure, the provision for widows and orphans, adopted, (as I have humbly suggested), I should regard as trivial every pecuniary difficulty I might be destined to encounter, for it would console me

under them all, and pluck from the pillow of death the only thorn this world could plant there. [*Great cheering.*] As a small atonement for thus presuming to trespass on you, permit me to offer the accompanying poem, for which my eldest son obtained a Vice-Chancellor's prize. He was equally successful with two other poems, but the enclosed is the only one published." [*The pathos with which the right hon. Baronet read this short extract, produced a great effect upon the House.*] Here was a clergyman supporting his wife and ten children on an income reduced by acts of the Legislature from 580*l.* to 322*l.* a-year, (the latter sum probably recovered with extreme difficulty), not murmuring at his loss, thanking those who inflicted it, for their wish to promote the interests of the Church, and ready to make any personal sacrifice which would conduce to those interests. Surely it is affecting to contemplate such a man cheerfully devoting, from the pittance which was left to him, some portion of it for the education of a son who was cheering the poverty and suffering of his home, by the glad tidings of academical distinction. This is no singular instance—it is one of a hundred similar cases—and shall we, without inquiry, pledge ourselves irrevocably to transfer from the Church to which these ministers belong, a portion of her property, and if we do transfer it, can we with any semblance of justice appropriate it to any object, before we have provided compensation for those who have been defrauded and robbed of their rights?

I will no longer interpose between that decision of this House which, if adopted, is to exclude all compromise, all hope of re-consideration; to pledge this House, in spite of further argument, in spite of additional information, in spite of its own conviction, to adhere obstinately to one unalterable Resolution. Against the principle of that Resolution, there stands recorded the deliberate protest of men, whose opinions are entitled to the highest deference, from their high character and acquirements, from their experience in the affairs of Ireland, above all, from their political relations, and the active part they have taken in the adjustment of Irish questions of the deepest interest and importance. I quote not the opinions of men prejudiced in favour of Protestant ascendancy, bound by the ties, or stimu-

lated by the excitement of party, to uphold the predominance of the Church; I quote the authority of those who were the most powerful, the most uncompromising, the most effectual advocates for the removal of Roman Catholic Disabilities, and the establishment of perfect civil equality among all classes of the King's subjects. I quote the authority of Burke, of Plunkett, of Newport, and of Grattan. Of Burke, who, speaking of the Established Church in Ireland, considers "it a great link towards holding fast the connexion of religion with the State, and for keeping these two islands in a close connexion of opinion and affection; who wished it well—as the religion of the greater number of the primary land-proprietors of the kingdom, with whom all Establishments of Church and State, for strong political reasons, ought to be firmly connected." I quote the authority of Plunkett, who declared "the Protestant Establishment in Ireland, to be necessary for the security of all sects, to be the great bond of union between the two countries, and who emphatically declared, that to lay our hands on the property of the Church, or to rob it of its rights, would be to seal the doom, and to terminate the connexion between the two countries." I quote the authority of Newport, who protested against the enactments of the Church Temporalities Bill, who dissented from the policy of reducing the number of Bishopricks, who, while he advised a different distribution of Church property, for the promotion of the interests of the Church, insisted on the strictest application of that property to Ecclesiastical purposes. Lastly, I appeal to the solemn, the dying declarations of Grattan—of him who fought to the last hour of his existence with "desperate fidelity," in the cause of his Roman Catholic fellow-countrymen. In his last moments he had strength sufficient to dictate a paper, of which the following is a faithful extract.

"Resolved, that a Committee be appointed with a view to Repeal the Civil and Political Disabilities which affect His Majesty's Roman Catholic subjects on account of their religion.

"Resolved, that such Repeal be made with due regard to the inviolability of the Protestant religion and establishments.

"Resolved, that these Resolutions do stand the sense of the Commons of the Imperial Parliament on the subject of Civil and Religious Liberty, and as such be laid before His Majesty. These Resolutions contain my sentiments; this is my testamentary disposition,

and I die with a love of liberty in my heart, and this declaration in favour of my country in my hand."

Supported by these authorities, I adhere with the greater confidence to that course which my own judgment and my own conscience dictates. Backed by the prescient sagacity of Burke, by the powerful reasoning and prophetic warnings of Plunkett, by the local knowledge and long experience of Newport, by the dying injunctions and testamentary declarations of Grattan, I give an unhesitating vote against principles tending to shake the foundations of all property, and to subvert the Protestant Church in Ireland.

Mr. *Spring Rice* wished the House to inquire whether the right hon. Baronet had put the question on which they were about to decide upon its fair and just ground? He trusted that the House would allow him, in the first place, to justify the course which the Opposition had taken upon this occasion. It had been not merely charged upon them, that they had unduly precipitated this decision, but they had been reproached by the right hon. Baronet, with having gratuitously called upon the House to decide the question, in the absence of information which might have been obtained, and which the House ought to require. But they were driven to debate a question which was presented by the Ministers themselves at the very opening of the Session, so pointedly, that one of the earliest notices given was a notice on the subject of tithe by the Secretary for Ireland: but his noble Friend even before the right hon. Gentleman was in possession of the report of the Commissioners of Inquiry, had also given notice that he should move for the production of that report. He was then informed that the report was not forthcoming; still, so anxious was he for necessary information, that he said, "If we cannot have the report, let us have any preliminary information with which you can furnish us." This could not be produced, and his noble Friend only came forward with his motion, when he was compelled in consequence of the leave obtained by his right hon. and gallant friend the Secretary for Ireland, to bring in a Tithe Bill for Ireland, based upon principles, according to the statement then made, contrary to those of the resolution now adopted by the House. That right hon. gentleman might be perfectly certain that if the Opposition could have done so consistently with what they conceived their public duty, they should have been anxious to have delayed this dis-

cussion until the report of the Commissioners was presented, because, in that case, that which was now matter of inference would have been converted into certainty, and any point which, without it, was controvertible, might have been placed beyond the reach of doubt. The right hon. Gentleman had taxed them with the necessity of proving the amount of the surplus, and at the same time he had charged them with not having the evidence which the report only could supply. He would take the liberty of repeating what he had urged upon a former occasion, that as long as there were parishes in Ireland, in which clergymen were endowed without having any duty to perform, there was no occasion to enter into further calculations upon the subject. Such cases proved the existence of Church sinecures which ought to be abolished, especially upon Church grounds. For the sake of the Church, and acting upon the principles laid down by Burke and by Grattan, the very authorities which the right hon. Baronet had quoted, he repeated that there could be no safety for the existence of the Church of Ireland, in those parts of that country where the Establishment was really requisite to provide religious instruction for a Protestant people, so long as parishes were allowed to continue in other districts in which a Church was maintained without a congregation, and where clergymen were supported who had no Ecclesiastical duties to perform. The right hon. Gentleman had taxed the Opposition with having propounded a resolution in such a manner that it might be construed in two opposite senses. He understood the resolution according to its plain and obvious meaning; and without adopting the principle of appropriation affirmed in this resolution, the question of tithes could not be disposed of, to the satisfaction of the House, or of the public. But he begged the right hon. Gentleman to consider, and, he begged the House to consider, in reference to the observations made by the right hon. Gentleman at the close of his speech, that they were not now introducing any new principle, as he asserted they were—nor maintaining a new doctrine—nor taking a position for the purpose of harassing the existing Government. It was possible that some hon. Gentlemen now in the House, were not Members of the last Parliament, and therefore, were unacquainted with the principle laid down by Lord Althorp upon this Question; he therefore would take the liberty of quoting what was then stated.

Lord Althorp's declaration exactly coincided with the course they were now about to take—it differed in no essential particular—and if it appeared that they were now only pursuing the course which he marked out when he was a Minister of the Crown, they could not, surely, on any principle of justice and fair dealing, be charged with want of candour in their present mode of discussing this Question. Lord Althorp stated, on the 2nd of June,—“that Church-property was trust property, and if the amount of it were greater than was necessary for the accomplishment of the trust, if it were greater than was required for the maintenance of the Established Church, for the benefit of Ireland, so far from injuring the interests of that Church, so far from injuring the religious interests of the Protestants of Ireland, he thought that to apply a part of the revenues to the moral and religious education of the people, would tend much to promote the prosperity of the Protestant Church.* Let any hon. Gentleman who imagined that, on the present occasion, they were actuated by party or factious motives, shew him one single word in Lord Althorp's declaration which differed in sentiment from the present resolution—let such an opponent shew in what the one does not strictly conform to the other;—if any hon. Member clearly proved the distinction—he would abandon his argument, and cheerfully submit to his judgment. The right hon. Gentleman said, that we had anticipated the discussion of his Tithe Bill by prematurely bringing forward this resolution; but whose fault was it that they were not now discussing the Order of the Day for going into the Committee upon that Bill? The right hon. Gentleman knows that, on the evening when the resolutions on which that Bill was to be founded were discussed, the Opposition unanimously tendered him their support, and, if he had introduced the Bill on the 20th of March, the House would have been prepared to go into the discussion of the Bill in Committee. It was not fair, therefore, of the right hon. Gentleman to suspend his Bill from the 20th day of March until the 7th of April, and then tax the Opposition with anticipating the progress of his Bill, by coming forward with a premature resolution. The right hon. Gentleman had also stated, that the course the Opposition was taking, with regard to this resolution, was unjustifiable and unprecedented. There had been much

in the course of the present Session unjustifiable and unprecedented, and which called upon the House to take their stand upon this Question; but he believed,—as he had stated previously,—that if a Tithe Bill had been brought forward,—the former Government being still in power,—and the hon. Member for St. Alban's had proposed, as an amendment, a resolution to the effect of this resolution,—the sense of the late House would have been in its favour, and it would have been carried, even against the wish of Lord Grey's Government. But what was there, unprecedented in the resolution? Did it contain that within it which was true, or that which was false? If it were true, so far from its being unjustifiable, it was not open to any objection. It was for the House of Commons to lay down those conditions on which it was willing to legislate, and those principles which it might believe to be essential to secure the success of the Tithe Bill; and he believed that unless this principle was affirmed, they might introduce what Bills they pleased—they might even press what Acts they pleased,—they might expect what results they thought proper,—but he was convinced that, without the appropriation of the surplus revenue, those Acts would prove no more effectual than the former Acts passed for a similar purpose. He had risen principally to set his Friends right with the House, to justify the course they had taken; and to prove, that so far from there being anything inconsistent with their statements, whilst in office, that their resolution was perfectly justified by, and in harmony with, these statements. It was not for him, to make any observations upon the concluding declarations of the right hon. Baronet; but he could assure the right hon. Baronet, that in the whole course of his proceedings with respect to this measure, the last thing which entered into his contemplation was that of making it the means of defeating his party. But if that right hon. Gentleman, or those who thus expressed dissent, wished to hold out the idea that they were to be fettered in the just and legitimate exercise of their legislative powers, lest they should defeat his party, then he said—speaking, in a reformed Parliament—that the friends of the Ministry neither rightly estimated the legitimate allegiance of the friends of a Government, nor the legitimate discharge of duty on the part of those who were in opposition to it. There were weightier interests, connected with the passing of

* Hansard, (third series) vol. xxiv. p. 15.

this Bill than the mere existence of any Government [*Cheers*]. Yes, he believed that, as much as any hon. Members on the other side; and they would cheer again, when he told them that the first and chief of these interests he considered to be the maintenance of the Church, in its efficiency, but in its due proportion, as the means of giving religious instruction to the Protestants of Ireland. He was convinced that, so far from there being any reason, there was not a plausible excuse for withholding such instruction from them. The tranquillity of Ireland was staked upon the settlement of this Question. He by no means disregarded the arguments which had been made use of, on the ground of the danger connected with any plan for the purpose. He felt most forcibly that there were dangers connected with any bold proposition on the subject. But were there no existing dangers and difficulties in the present state of the Church-property in Ireland, when the right hon. Gentleman himself said, that, under the existing law, he could not undertake for the recovery of the tithes without the use of military force? Was not that a danger and a difficulty? It was not enough to point out the dangers and difficulties which were connected with the proposition, but they must compare the existing dangers and difficulties with those which were attributed to the resolution; and it was by the balance of the account, that a reasonable and practical Statesman would alone be determined. He should further take the liberty of stating, in conclusion, that the right hon. Gentleman had, with some degree of injustice, adverted to the authorities of men to whose opinions he paid the greatest respect; but those authorities, after all, as used by the right hon. Gentleman, were more of their names than of their opinions; because if it were true, that, without a settlement of this Question, there was no safety for the Church of Ireland, but that its safety, on the contrary, entirely depended upon a settlement of this Question; then, the arguments of Mr. Burke, the declaration of Lord Plunket, and the dying attestation of Mr. Grattan, instead of being against the resolution, might be appealed to as the highest and best authorities, in its favour—and he called upon this House in their name, to assist in saving the Irish Church, and in giving tranquillity to the country. Did the right hon. Gentleman think that his Friends had been in every instance, the great protectors of that

Church? Did he think that when those with whom he acted last year, threw out the Tithe Bill in the House of Lords, they were acting as its friends? Did the right hon. Member for the University of Dublin think, that the language he had used on various occasions, when questions connected with the Irish Church, and education had been under consideration, had tended to its support? If the advice which had been given, would have saved the Irish Church, it would have been saved long since; because his advice had been, unfortunately, obeyed; unfortunately, since it had been of that species which had led to the difficulties of the Church. On the contrary, he called upon the House now to take a different course for the purpose of giving to the mass of the people of Ireland, whether Catholics or Protestants, an interest in preserving the Church-property. He wished to tell the Catholics, though he believed there were but few of them who had any disposition to appropriate any Church-property to Catholic uses, he wished them to be told by the declaration of the legislature, that any such hopes must be extinguished by the firmness with which we will discharge the duty of legislation, and by making one proposed appropriation. He wished, at the same time, to tell those Protestant landlords who might desire that tithes should be merged into rent, that they would have no claim to the tithes, but that the surplus should be appropriated exclusively to the purposes of general education. He would not then renew the old dispute between the right hon. Gentleman and himself on the statute of Henry 8th. He would not inquire into the similarity between King Henry 8th and Captain Macheath, he would only state that, especially with regard to the plurality of their loves, and the looseness of their principles, there was more resemblance between them, than the right hon. Gentleman appeared to be willing to admit. He would take the liberty of adding as a Protestant, that believing as he did his own religion to be the true one, and the offspring of free inquiry, he, therefore, believed that education was most important; and that to promote knowledge was the best means of diffusing the Reformation. Let him have in one Roman Catholic parish, an effective schoolmaster, and place in another Roman Catholic parish a sinecure clergyman, and he would back the schoolmaster against the clergyman, as a better means of diffusing the reformed religion. He was aware of the disadvantage he

laboured under in addressing the House, after the powerful appeal which had just been made to it by the right hon. Gentleman; and, therefore, he had only taken the liberty of pressing a few facts upon their consideration, because he thought it would be unjust to go to a division while a mistake prevailed as to the main principle really at issue.

Mr. *Hardy* asked the noble Lord (Lord John Russell) whether the system of religious instruction he would wish to establish would be from the pure and unmutilated Scriptures?

Lord *John Russell* said, that the system he contemplated was the same as that acted on by the National Board of Education established by his noble Friend (Lord Stanley) the Member for South Lancashire.

The House divided on the Resolution, when there appeared—Ayes 285; Noes 258;—Majority 27.

Resolution agreed to.

List of the AYES.

Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Angerstein, J.
Anson, Sir G.
Attwood, T.
Bagshaw, J.
Baines, E.
Bainbridge, E. T.
Bannerman, Alex.
Baring, F. T.
Barclay, D.
Barham, J.
Barnard, E. G.
Barry, G. S.
Belfast, Earl of
Bellew, R. M.
Berkeley, Hon. C. F.
Berkeley, Capt.
Berkeley Craven
Bewes, T.
Bernal, R.
Biddulph, R.
Bish, T.
Blake, M. J.
Blamire, W.
Blunt, Sir C.
Bodkin, John James
Bowring, Dr.
Brady, Denis C.
Brabazon, Sir W. J.
Bridgman, Hewitt
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brown, Rt. Hon. D.
Buckingham, J. S.
Buller, C.
Buller, E.
Bulwer, E. G. E. L.
Bulwer, H. L.
Burdon, W. W.
Burton, H.
Butler, Hon. P.
Byng, Sir J.
Byng, G.
Campbell, Sir J.
Campbell, W. F.
Carter, J. B.
Cave, Otway
Cavendish, Hn. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, M. L.
Chichester, J. P. B.
Clay, W.
Clayton, Sir W.
Clements, Viscount
Clive, E. B.
Cockerell, Sir C.
Codrington, Sir E.
Collier, J.
Cokes, T. H.
Cowper, Hon. W. F.
Crawford, W. S.
Crawley, S.
Crompton, S.
Curteis, E. B.
Curteis, H. B.
Dalmeny, Lord
Denison, J. E.
Denistoun, Alex.
Divett, E.
Dobbin, L.
Donkin, Sir R. S.

Duncombe, T. S.
Dundas, T.
Dunlop, Colin
Dykes, F. L. B.
Ebrington, Viscount
Ellice, Rt. Hon. E.
Elphinstone, H.
Etwall, R.
Evans, Colonel
Evans, G.
Ewart, W.
Fazakerly, J. N.
Fellowes, Hon. N.
Fergus, J.
Fergusson, Rt. Hon. C.
Ferguson, R.
Ferguson, Sir R.
Fielden, J.
Finn, W. F.
Fitzgibbon, R. H.
Fitzsimon, N.
Fitzsimon, C.
Folkes, Sir W. J.
Fox, Lieut.-Col.
French, F.
Grant, Rt. Hon. C.
Grattan, J.
Grattan, H.
Gaskell, D.
Gisborne, T.
Grey, Sir G.
Grey, Colonel
Grosvenor, Lord R.
Grote, G.
Gordon, R.
Goring, H. D.
Guest, J. J.
Gully, J.
Halliburton, Hon. D.
Hall, B.
Harvey, D. W.
Hawkins, J. H.
Handley, H.
Hay, Col. Leith
Heathcote, R. E.
Heathcote, J.
Hindley, C.
Hodges, T. L.
Hodges, T.
Hoskins, K.
Howard, P. H.
Howard, R.
Howard, Hon. E.
Howick, Viscount
Holland, E.
Hurst, R. H.
Hume, J.
Humphrey, J.
Hutt, W.
Jervis, J.
Kennedy, J.
Kemp, T. R.
King, E. B.
Kerry, Earl of
Lambton, H.
Langton, G.
Leader, J. T.
Lee, J. Lee
Lefevre, C.
Lennard, T. B.
Littleton, Rt. Hn. E. J.
Lister, E. C.
Long, W.
Lushington, C.
Lushington, Dr.
Lynch, A. H.
Labouchere, H.
Loch, J.
Marshall, W.
Macleod, R.
Macnamara, Major
Maher, J.
Majoribanks, S.
Marsland, H.
Maule, Hon. F.
Mangles, J.
M'Cance, J.
M'Kenzie, J. A. S.
Methuen, P.
Milton, Viscount
Molesworth, Sir W.
Moreton, Hon. A. H.
Morpeth, Viscount
Mostyn, Hon. E. M. L.
M'Taggart, J.
Murray, Rt. Hn. J. A.
Mullins, F. W.
Nagle, Sir R.
O'Connell, Daniel
O'Connell, John
O'Connell, Morgan
O'Connell, Maurice
O'Connell, M. J.
O'Connor, Feargus
Ord, W.
Ord, W. H.
O'Loghlin, M.
O'Brien, W. S.
O'Brien, C.
Oswald, J.
Oswald, R. A.
Oliphant, L.
O'Ferrall, R. M.
Paget, Capt. F.
Parnell, Rt. Hon. Sir H.
Palmer, General
Parrott, J.
Parker, J.
Pattison, J.
Pease, J.
Pelham, Hn. C. A. W.
Perrin, Louis
Pepys, Rt. Hn. Sir C.
Philips, M.
Philips, G. R.
Phillips, C. M.
Pinney, W.
Poulter, J. S.
Power, J.
Ponsonby, J.
Potter, R.
Power, P.

Price, Sir R.
 Pryse, Pryse
 Ramsbottom, J.
 Ramsden, J. C.
 Rice, Rt. Hon. T. S.
 Rippon, C.
 Roche, W.
 Roche, D.
 Roebuck, J. A.
 Rolfe R.
 Ronayne, D.
 Robarts, A.
 Robinson, G. R.
 Rooper, J. Bonfoy
 Rundell, J.
 Russell, Lord C.
 Russell, Lord J.
 Russell, Lord
 Ruthven, E. S.
 Ruthven, E.
 Scott, J. W.
 Scrope, G. P.
 Scholefield, J.
 Seale, Lieut-Col.
 Seymour, Lord
 Sharpe, General
 Sheil, R. L.
 Simeon, Sir R. G. Bt.
 Smith, J. A.
 Smith, B.
 Smith, R. V.
 Speirs, A. J.
 Speirs, A. G.
 Stewart, R.
 Stewart, J.
 Stewart, P. M.
 Stuart, Lord D.
 Strutt, E.
 Surrey, Earl of
 Talbot, C. R. M.

Talbot, J. H.
 Tancred, H. W.
 Tennyson, Rt. Hn. C.
 Thornely, T.
 Thomson, Rt. Hn. C. P.
 Tooke, W.
 Tracey, C. H.
 Trelawney, Sir W. L. S.
 Troubridge, Sir T.
 Tulk, C. A.
 Tynte, C. J. K.
 Villiers, C. P.
 Vivian, Major
 Vivian, J. H.
 Wakley, T.
 Walker, R.
 Walker, C. A.
 Wallace, R.
 Ward, H. G.
 Warburton, H.
 Westenra, Hon. J. C.
 Westenra, Hon. H. R.
 Whalley, Sir S.
 White, S.
 Wigney, I. N.
 Wilbraham, G.
 Wilde, Serjeant
 Williams, Sir J.
 Williams, W. A.
 Williams, W.
 Wilks, J.
 Winnington, Sir T.
 Winnington, H. J.
 Wood, M.
 Wrightson, W. B.
 Wrottesley, Sir J. Bt.
 Wyse, T.

TELLERS.

Stanley, E. J.
 Wood, C.

List of the NOES.

Agnew, Sir A.
 Alford, Viscount
 Alsager, R.
 Arbuthnot, Hon. Gen.
 Archdall, M.
 Ashley, Lord
 Ashley, Hon. H.
 Attwood, M.
 Bagot, Hon. W.
 Bailey, J.
 Baillie, H. D.
 Balfour, T.
 Baring, T.
 Baring, W. B.
 Baring, F.
 Baring, Rt. Hon. A.
 Becket, Sir J.
 Bell, M.
 Benett, J.
 Bentinck, Lord G.
 Beresford, Sir J.
 Bethell, R.
 Blackburne, J. J.
 Blackburne, W. S.

Boldero, H. G.
 Bonham, F. R.
 Borthwick, P.
 Bradshaw, J.
 Brudenell, Lord
 Bolling, W.
 Bramston, T. W.
 Brownrigg, J. S.
 Bruce, Lord E.
 Bruen, Colonel
 Bruen, F.
 Buller, Sir J.
 Burrell, Sir C.
 Calcraft, J. H.
 Campbell, Sir H.
 Canning, Rt. Hn. Sir S.
 Carruthers, D.
 Castlereagh, Viscount
 Chandos, Marquess of
 Chaplin, T.
 Chapman, A.
 Charlton, E. L.
 Chatterton, J.
 Chichester, A.

Churchill, Lord C. S.
 Clerk, Sir G.
 Clive, Viscount
 Clive, Hon. R.
 Cole, Viscount
 Cole, Hon. A.
 Compton, H. C.
 Conolly, Col.
 Cooper, E. J.
 Corry, Rt. Hon. H.
 Cripps, J.
 Dalbiac, Sir T. C.
 Damer, Hon. G. D.
 Dare, R. H.
 Darlington, Earl of
 Dick, Q.
 Dottin, A. R.
 Dowdeswell, W.
 Duffield, T.
 Dugdale, W. S.
 Duncombe, Hon. A.
 Duncombe, Hon. W.
 Dundas, R. A.
 Durham, Sir P.
 East, J. B.
 Eaton, R. J.
 Egerton, W. T.
 Egerton, Sir P.
 Egerton, Lord F. L.
 Elley, Sir J.
 Entwistle, J.
 Estcourt, T. G.
 Fancourt, Major
 Fector, J. M.
 Ferguson, Capt
 Ferguson, Sir R. A.
 Feilden, W.
 Finch, G.
 Fleetwood, P. H.
 Fleming, J.
 Foley, E. T.
 Follett, Sir W.
 Forbes, Viscount
 Forbes, W.
 Forester, Hon. G. C.
 Forster, C. S.
 Fremantle, Sir T.
 Freshfield, J. W.
 Gaskell, J. Milnes
 Geary, Sir W.
 Gladstone, T.
 Gladstone, W. E.
 Gordon, Hon. W.
 Gore, W. O.
 Goulburn, E.
 Goulburn, Rt. Hon. H.
 Graham, Rt. Hn. Sir J.
 Grant, Hon. F. W.
 Greene, T. G.
 Greisley, Sir R.
 Greville, Sir C.
 Grimston, Viscount
 Grimston, Hon. E.
 Halford, H.
 Hamilton, Lord C.
 Hanmer, Sir J.

Hanmer, H.
 Harcourt, G. V.
 Hardinge, Rt. h. Sir H.
 Hawkes, T.
 Hay, Sir J.
 Hayes, Sir E.
 Henniker, Lord
 Herbert, Hon. S.
 Herries, Rt. Hn. J. C.
 Hill, Lord A.
 Hill, Sir R.
 Hogg, J. W.
 Hope, Hon. J.
 Hope, H. T.
 Hotham, Lord
 Holdsworth, Thomas
 Hoy, J. B.
 Hughes, W. H.
 Inglis, Sir R.
 Irtton, S.
 Jackson, J. D.
 Jermyn, Earl
 Johnstone, A.
 Johnstone, Sir J. V.
 Jones, Captain
 Jones, W.
 Kelly, F.
 Ker, D.
 Kerrison, Sir E.
 Kirke, P.
 Knatchbull, Sir E.
 Knight, H. G.
 Lawson, A.
 Lefroy, A.
 Lefroy, Rt. Hon. T.
 Lemon, Sir C.
 Law, Hon. C. E.
 Lennox, Lord G.
 Lennox, Lord A.
 Lewis, W.
 Lewis, D.
 Leycester, J.
 Lincoln, Earl of
 Lopes, Sir R.
 Lowther, Viscount
 Lowther, Hon. Col.
 Lowther, J. H.
 Lucas, E.
 Lygon, Hon. H. B.
 Lushington, Rt. Hn. S.
 Mackinnon, W. A.
 Mahon, Viscount
 Mandeville, Viscount
 Manners, Lord R.
 Marsland, T.
 Martin, J.
 Maxwell, H.
 Miles, Phil. J.
 Miles, W.
 Miller, W. H.
 Mordaunt, Sir J.
 Neeld, J.
 Neeld, J.
 Norreys, Lord
 North, F.
 O'Neil, Hon. Gen.

Ossulston, Lord
 Palmer, R.
 Parry, Colonel
 Patten, J. W.
 Peel, Rt. Hon. Sir R.
 Peel, J.
 Peel, Rt. Hon. W.
 Peel, E.
 Pemberton, T.
 Penruddocke, J. H.
 Percival, Colonel
 Pigott, R.
 Plumptre, J. P.
 Pollen, Sir J.
 Pollington, Viscount
 Pollock, Sir F.
 Powell, Colonel
 Praed, W. M.
 Price, S. G.
 Pringle, A.
 Pusey, P.
 Rae, Sir W.
 Reid, Sir J.
 Richards, J.
 Rickford, W.
 Ridley, Sir M. W.
 Ross, C.
 Rushbrooke, Colonel
 Russell, C.
 Ryle, J.
 Sandon, Viscount
 Scarlett, Hon. R. C.
 Scott, Lord J.
 Scott, Sir E. D.
 Scourfield, W. H.
 Shaw, Rt. Hon. F.
 Sheppard, T.
 Sibthorp, Colonel
 Smith, A.
 Smyth, Sir G.
 Somerset, Lord E.
 Somerset, Lord G.
 Stanley, Lord

Stanley, E.
 Stewart, Sir M. S.
 Stewart, J.
 Stormont, Viscount
 Sturt, H. C.
 Tennent, J. E.
 Talmash, Hon. A.
 Thomas, Colonel
 Thompson, Alderman
 Townshend, Lord J.
 Trench, Sir F.
 Trevor, Hon. G. R.
 Trevor, Hon. A.
 Turner, T. F.
 Twiss, H.
 Tyrell, Sir J.
 Vaughan, Sir R.
 Vere, Sir C.
 Verner, Colonel
 Vernon, G. H.
 Vesey, Hon. T.
 Vivian, J. E.
 Vivyan, Sir R.
 Wall, C. B.
 Walpole, Lord
 Welby, G. E.
 Weyland, Major
 Whitmore, T. C.
 Wilbraham, Hon. R.
 Williams, R.
 Williams, T. P.
 Wodehouse, E.
 Worcester, Marq. of
 Wyndham, W.
 Wynn, Sir W.
 Wynn, Rt. Hon. C.
 Yorke, E. T.
 Young, Sir W.

TELLERS.

Clerk, Sir G.
 Fremantle, Sir T.

Paired off for the Motion.

Alston, R.
 Barron, H. W.
 Bellew, Sir P.
 Berkeley, G.
 Blackburn, J.
 Bowes, J.
 Burdett, Sir F.
 Conyngham, Lord A.
 Corbett, T. E.
 Crawford, W.
 Denison, W.
 Edwards, Colonel

Fort, T.
 Gillon, W. D.
 Hawes, B.
 Hector, B.
 Heron, Sir R.
 Musgrave, Sir R.
 Pendarves, E. W.
 Pryme, G.
 Strickland, Sir G.
 Talfourd, Serj.
 Tynte, Colonel

Against it.

Barclay, C.
 Baring, H.
 Barneby, T.
 Bateson, Sir R.
 Bruce, Cumming
 Cartwright, W. R.
 Codrington, C. W.
 Davenport, J.

Eastnor, Lord
 Heneage, E.
 Johnstone, Hope
 Maclean, D.
 Morgan, C. M. R.
 Nichol, J.
 Owen, Sir J.
 Owen, H. O.

Polhill, Captain
 Praed, J. B.
 Sanderson, R.
 Sinclair, G.

Smith, T. A.
 Walter, T.
 Wood, Colonel

HOUSE OF LORDS,

Wednesday, April 8, 1835.

MINUTES.] Petitions presented. By the Duke of GORDON, the Earl of ROSEBERRY, and Lord SALTOUN, from several Places,—for Protection to the Church of Scotland.—By the Earl of ROSEBERRY, from four Places, against any further Grant of Money for Building Churches.

DISSOLUTION OF THE MINISTRY.] The Duke of *Wellington* rose, and said, my Lords, circumstances having induced his Majesty's Government to consider it their duty to tender the resignations of their offices, they have tendered them, and I have therefore to announce to your Lordships, that they continue to hold them only until their successors shall be appointed. They will do this that the necessary business of the country may not be impeded. I should have announced this before, but that it was desirable, if the Mutiny Bill should be brought up from the other House of Parliament, that it should be read a first time. I therefore waited to see whether it was brought up, that I might move the first reading of the Bill. We shall continue, while we hold our offices, to carry forward such matters as the necessity of the public business may require.

Lord *Brougham* said, that even under the circumstances which had been stated by the noble Duke, there could not, he thought, be the slightest objection to the introduction of his Motion on Education. He should, therefore, bring it forward on Tuesday next, as their Lordships were not likely to be overburthened with business, because, with reference to that Motion, it was of no consequence who was in or out of office.

HOUSE OF COMMONS,

Wednesday, April 8, 1835.

MINUTES.] Bills. Read a third time:—Marine Mutiny; and Mutiny.

Petitions presented. By Sir E. KNATCHBULL, from Chatham, against a Petition presented on the 19th of March.—By Mr. POULTER, Sir ANDREW AGNEW, and Mr. Sergeant JACKSON, from several Places,—for the Better Observance of the Lord's Day.—By Mr. TYNTE, from Wellington, Somerset, against giving to Doctors' Commons alone the Power of granting Probates and Administrations.—By Mr. RICHARDS, from Manchester, against the Imprisonment for Debt Bill.—By Mr. PEASE, from two Places, against Drunkenness.—By Mr. M. PHILIPS, from the Dissent,

of Liverpool, for the Discontinuance of the *Regium Donum*.—By Dr. BOWRING, from Irvine, against any Grant of Money for Building Churches.—By Lord JAMES STEWART, from Irvine, against the Imprisonment for Debt Bill.—By Mr. POTTER, from two Catholic Congregations, against the Dissenters' Marriage Bill, and by Mr. M. PHILIPS, from the Dissenters of Manchester to the same effect.—By Lord JAMES STEWART, from the Handloom Weavers of Ayr, for a Board of Trade.—By Sir CHARLES LEMON, Messrs. NORTH, DYKES, and BLAIR, from six Places, —against the Duty on Spirit Licences.—By Lord JAMES STEWART, Mr. STEWART MACKENZIE, and another Hon. MEMBER, from several Places,—in Support of the Church of Scotland.—By General SHARPE, from Annan, against any Grant of Money for Building Churches.

CANTERBURY ELECTION.] Mr. Charles Buller said, he had two Petitions to present from the city of Canterbury, one in reference to the interference of the clergy in the late Election there, and another complaining of the decision of the Select Committee in the case of the late Member for that city—Mr. Villiers. The first petition was similar to that which had a short time since been presented by the late Member, Mr. Villiers, to the House. The statements contained in that former petition had been contradicted by the right hon. Baronet (Sir E. Knatchbull), and the right hon. Baronet had asserted on a former occasion, that if the hon. Gentleman (Mr. Villiers) were himself then a Member of the House, he would admit that they were unfounded. It appeared, however, from the present petition, that the electors and inhabitants of Canterbury were still of opinion that those statements were perfectly correct. The petition was signed by 1,044 inhabitants of that city, who prayed that the House would appoint a Committee to inquire into the truth of those statements. He did not suppose that the House would appoint a Committee to inquire into an individual case of the kind, there being nothing so common or notorious all over the kingdom as the interference of clergy at Elections. If they inquired into one case of the kind, they would have to inquire into similar cases of improper interference on the part of the clergy at every Election throughout the kingdom where there was a liberal candidate to oppose. The interference of the clergy at Canterbury, the petitioners stated, was not merely confined to canvassing before the Election, but they had since the Election had recourse to a species of intimidation disgraceful to any set of men that adopted it, but more especially disgraceful to the ministers of religion. It was stated in the petition that the day after the Election a rev. Archdeacon discharged his butcher, because he voted according to his conscience; that another

dignitary of the Church had paid off his grocer on the same ground; and that a rev. Canon had gone round through his tradesmen, and had carried the system of exclusive dealing to a frightful extent. The petitioners specified the names of the reverend Mr. Peel, reverend Mr. Crowther, Archdeacon Croft, and the reverend Mr. Morgan as the clergymen who had been active in thus interfering. They prayed the House to adopt the only remedy in their opinion for such practices—namely, the Vote by Ballot. The people of Canterbury, he thought, had a just right to complain as they did that the clergy of that city had abused the wealth left to them for pious purposes, and, instead of devoting it to the purposes of religion, had in this manner devoted it to the purposes of a political faction. The fact was, that the city of Canterbury rang with complaints in regard to the conduct of the clergy there at the last Election. But Canterbury was not singular in that respect, for in almost every city and borough throughout the country clergymen had been not only the most active canvassers, but the most unscrupulous agents for the Tory candidates. He believed that on all sides of the House such conduct on the part of clergymen was considered indecent and improper. There was scarcely a part of the country in which the parsons had not opposed themselves to everything in the shape of civil and religious liberty. In his own borough he was bound to say that he had the good fortune not to have been opposed by the clergymen. He trusted that petitions like that which he now presented would make an impression on the clergy, and induce them to pursue a different course. They had, no doubt, a right to exercise the franchise granted to them, but they should exercise it in a manner becoming Christian ministers. He would call the attention of the House to a handbill which had been just put into his hands, and which he understood had been circulated in Canterbury. It was a printed handbill calling upon the citizens to meet to “resist the attempts made by Papists and Infidels in that House to destroy the Established Church of the country.” He hoped that the clergy would see that the Church was in danger, not from Papists and Infidels, but from the folly and violence of its own members. He was sure that these proceedings in Canterbury would excite the disgust of every right-thinking man in the community.

Mr. Winthrop Praed complained that the

hon. Member on presenting a petition had taken the opportunity to make a most unmerited attack on a most deserving body of men. The hon. Member had said, that there was not a single borough in the country in which clergymen of the Church of England had not been distinguished for their interference in Elections. Now, he would beg to tell him that the instances of interference in any respect blameable on the part of the clergy, had not been more numerous, in proportion to the number of that body, than those of any other class of the community. As the clergy were not allowed to sit in that House, they had a right to express their political opinions in a proper manner, as he contended they had done in a majority of cases. The hon. Gentleman had made an exception of his own borough in his general charge against the clergy of interference. He could furnish the hon. Gentleman with another exception, that of the borough which he represented. The first person that he canvassed for that borough was the minister, a relation of his own, and a member of a high Tory family. In writing to that Gentleman on the subject, he had stated that he did not ask for interference in the Election, and the clergyman, taking that to be an intimation that it was not necessary to vote for him, had, at the request of the opposite candidate, actually remained neuter.

Mr. *Charles Buller* said, he had now to present a petition from the city of Canterbury, complaining of the decision of the Election Committee lately appointed to inquire into the Election for that city. The petitioners prayed that so mischievous a decision might not be drawn into a precedent, which would be alike destructive to the rights of the petitioners and of the elective body in general; they also prayed that a new, more competent, and more satisfactory tribunal might be constituted for the decision of controverted Election cases. They complained that the Election Committees of that House were frequently influenced by political bias, and were oftentimes most incompetent to decide the points of Election Law laid before them. The hon. Member called the attention of the House to the extreme hardship to which the petitioners had been subjected by the incomplete decision come to by the Committee. One bad effect of it was, that the country was led to entertain the opinion (he did not mean to say a correct one) that political bias influenced Members in deciding in such cases. He would just mention

to the House a remarkable statement that had been forwarded to him from Canterbury. It set forth, that as soon as the names of the Committee were known there, Mr. Lushington's deputy-chairman put them up in his window, marked with the letters "C." and "R." Conservatives and Reformers—and that so sure an indication was this considered of what the decision of the Committee would be, that preparations were actually made beforehand by that party to celebrate their triumph.

An *hon. Member*, who had been one of the Members of the Canterbury Election Committee, stated that their decision had been an unanimous one; he had seen nothing of political bias amongst them, and for himself, he could answer that he had been influenced by none. He knew what an oath was, and he had acted in accordance with principle and common sense.

Mr. *Charles Buller* had not impugned the decision of the Committee. He had only stated the opinion of the petitioners.

Mr. *Stephen R. Lushington* said, the hon. Member had called the decision of the Committee an unlawful one. Now, he would maintain that never was there one more in accordance with the evidence adduced. The validity of the return was the first thing for the Committee to decide. And what were the circumstances of the case? Eight votes tendered for him (Mr. Lushington) were rejected by the Sheriff, because the names of the parties were mis-spelt in the register, though they were perfectly good votes, and there was no doubt as to the identity of the persons. Mr. Villiers had thus a majority of two over him. The Committee, acting upon all former precedents, first proceeded to decide whether the return was true or false. They decided that it was false, and by adding those votes to the poll he had a majority. So far from the petitioners having any ground of complaint, he (Mr. Lushington) was the party that ought to complain, having been deprived by the returning officer of his right for two months and a half. The right hon. Member was understood to say that the allegations in the petition with reference to the conduct of the clergy were totally unfounded.

Mr. *Spring Rice* deprecated such a discussion as this. If indeed they were prepared to abandon the Grenville Act, they might then discuss matters of this kind, but as long as Election Committees were authorized by law to decide on those cases, their decision should not be called in ques-

tion in that House. It was true that in many cases Committees might make mistakes, but it was better that the law should stand as it was at present, than that that House should undertake to revise their decisions. At the same time it was open to petitioners to call the attention of the House to any wrong construction that a Committee might put upon the existing law, and to do so, not by attacking the Committee, but by asking the House for a declaratory law on the point. He recollected, in an Election case of his own, his right hon. Friend now in the Chair of that House presenting a petition from him, not throwing any discredit on the Committee, but asking the House for an amendment of the law.

Sir *Edward Knatchbull* had been anticipated by his right hon. Friend in what he had intended to say. The inconvenience of presenting petitions of this nature to the House, when the period allowed for petitioning against the return for Canterbury had not as yet expired. On the presentation of the former petition, he had assured the House that the allegation that the reverend Mr. Peel, the brother of the right hon. Baronet the Chancellor of the Exchequer had interfered in the Election was unfounded. He now held in his hand a county paper, in which was advertised a letter from the individual who it had been alleged had been applied to by the right reverend Gentleman, in which the writer stated distinctly that the reverend Mr. Peel did not apply to him for his vote, and that neither intimidation nor anything else had been employed to induce him to vote for Mr. Lushington. The hon. Member should have inquired into the matter before he made the statement he did.

An *hon. Member* said, that if the Canterbury Committee had gone into the whole case, the grossest bribery would have been proved against the supporters of the hon. Member Mr. Lushington.

Lord *Sandon* must call the hon. Member to order. The case had been decided before the Committee, and the House was not now to discuss what would be proved before it. Was that House to become an arena where all elections were finally to be tried? The Grenville Act was thought to be the greatest step ever made towards rescuing the House from scenes so disgraceful to its character and dignity, but hon. Gentlemen opposite would now seek to draw the House through the mire of con-

troverted Election politics. If the decision of an Election Committee under the Grenville Act had any thing in it that could be complained of, there was a court of appeal for the purpose.

Mr. *Aglionby* said, that the question was not yet decided. His hon. friend (Mr. Buller) had moved for the minutes of the Committee, and the question as to their decision would be on a future day brought before the House.

Mr. *Charles Buller* said, he had not at all impugned the motives of the Committee in coming to the decision that they did, he had merely stated the opinion on that point of the people of Canterbury. He would maintain, however, that the decision of the Committee, constituted a mischievous precedent. They should not have decided the return alone—they should have decided both the return and the election. He had, he confessed, no respect for the Grenville Act. It appeared to him one of the most stupid Acts that had ever been passed, and he should like to see it greatly altered. He would follow up the presentation of this petition by moving on a future day that no Election Committee should have the power in future of deciding on one part of the case without going into the whole of it.

Petition laid on the Table.

RESIGNATION OF MINISTERS.] The *Chancellor of the Exchequer*: It was his intention, to move that the Mutiny Bill should be read a third time, and in making that Motion, he wished to avail himself of the opportunity which it afforded him of notifying to the House that he, in conjunction with all his colleagues in his Majesty's Government, and in conformity with their unanimous opinion, had felt it incumbent upon them, upon a combined consideration of the vote to which the House of Commons had come last night, and of their position as a Government in that House, to signify to his Majesty, that they felt it to be their duty to place the offices which they held at the disposal of the King. He did not hesitate to say, that they had taken this course with the utmost reluctance, and not without the deepest conviction of its necessity. They felt, that being in possession of the entire confidence of the King, and having received from his Majesty the most cordial and unremitting support—looking to the present position of public affairs, to the present state of political parties—looking

to the strength, not only the numerical, but the moral strength, of that great party by which they had had the honour of being supported, they felt it was their duty, under existing circumstances, to continue the attempt of administering public affairs, as the responsible advisers of the Crown, to the latest moment that was consistent with the interests of the public service, and with the honour and character of public men. [*Cheers.*] When he did not hesitate to avow the reluctance, with which they had tendered their resignation, he believed he should have credit with a great majority of the House of Commons [*much cheering from both sides of the House*], that that reluctance arose from public considerations alone [*renewed cheering*], and was wholly unconnected with everything of a personal nature. [*"Hear, hear!" and much cheering, particularly from the Opposition.*] He had a strong impression, that when a public man at a crisis of great importance undertook the public trust of administering the affairs of this country, he incurred an obligation to persevere in the Administration of those affairs as long as it was possible for him to do so consistently with his honour. [*"Hear, hear!"*] No indifference to public life, no disgust with the labours which it imposed, no personal mortifications, no deference to private feeling, could sanction a public man in withdrawing on light grounds, from the post in which the confidence of his Sovereign had placed him. [*Much cheering.*] But at the same time, there was an evil in exhibiting to the country a want on the part of the Government of that support in the House of Commons which could enable it satisfactorily to conduct the public affairs—which could enable it to exercise a control over the proceedings of the House—a legitimate and necessary control conferred upon it by the possession of confidence. [*"Hear, hear."*] There was an evil in such an exhibition of weakness to which limits must be placed; and he must say, reviewing all that had occurred since the commencement of the present Session—looking to the little progress the Government had been able to make in the public business of the country—looking at what had occurred on each of the last four nights—to the fact that Ministers had had the misfortune, on each of four successive nights, to be left in a minority—on Thursday last, on

Friday last, on Monday last, and last, night—considering that that minority was smaller in relation to the majority than the minorities in which they had been at the commencement of the Session—adverting also to the fact that they had received the support of those who, not having a general and unlimited confidence in the Government, yet had given to the Government a cordial and honourable support [*cheers*] on every occasion on which it was consistent with their public principles to give it—adverting to all these considerations, he must say, that, in his opinion, the time was come when it was incumbent on the Ministers of the Crown to withdraw from the responsibility which office, under such circumstances, imposed upon them. In addition to these considerations were the nature and consequences of the vote of last night. That vote, he conceived, implied a want of confidence in his Majesty's Government, because, in his opinion, it was not necessary for any public purpose to come to that vote. [*"Hear, hear!"*] It was tantamount to a declaration on the part of the House, that it had not that confidence in his Majesty's Government which entitled that Government to submit to the consideration of the House the measures of which they had given notice. The noble Lord had signified his intention, if the vote to which the House came last night did not lead to the result to which it had now led, to follow it up with an Address to the Crown, conveying to his Majesty the Resolution respecting the Irish Church, which the House had affirmed. As he conceived that embarrassment to the public interests would arise from the presentation of that Address, and as he had no right to assume that the House would take a view with respect to the policy of that Address different from the view which it had taken with respect to the Resolution, it did appear to him and to his colleagues (whose views were in exact conformity with his own) that a public duty was imposed upon them, particularly since they felt that the time was fast approaching when resignation was inevitable—not to persevere in a fruitless struggle, which might involve his Majesty, public men, and the country, in additional and unnecessary embarrassment. [*Much cheering.*] The vote of last night was not only tantamount to a declaration of a want of confidence in the Government, but implying, as it did, the necessity of a total

change of system in Ireland, so far as the Church revenues were concerned, it would impose such difficulties in the practical administration of Government in Ireland, by parties opposed to the principle of the vote, that they were fairly entitled to decline a responsibility which others were bound to incur. The vote of last night was not an abstract Resolution; the vote of last night was not the practical execution of which could lie dormant. There might occasionally be points on which the House of Commons might express a different opinion from that of the Government: there might be cases in which it would be possible for Government to continue the conduct of public affairs, even in opposition to the House of Commons upon questions involving mere abstract principles, admitting of delay in their practical application; but the House of Commons could not leave the tithe question in its present state. ["*Hear, hear!*"] At present laws were nominally in force, but were actually disregarded. Nothing could be more dangerous than to leave the law in its present state,—to habituate the people to the daily violation of it,—to exhibit to them, a state of things in which those who were charged with the enforcement of law connived at its non-execution. It was not merely that the particular law would lose its authority; but the fatal example would extend to all laws, particularly to laws confirming and enforcing the rights of property. [*Cheers.*] Under these circumstances, it would have been the duty of the Members of his Majesty's Government, if they had continued in the Administration, to have pressed for an immediate decision with respect to the law as to the recovery of tithes in Ireland. The Tithe Bill of which they had given notice they could not have proceeded with, without previously proposing the Resolution for the remission of the claims upon the Irish clergy, on account of the repayment of the advances under the Million Act. He had no right to anticipate a different conclusion from that to which the House had already come—he could not anticipate that they would sanction the grant of a million without a distinct understanding that the Irish Tithe Bill was to be framed upon the principle of the vote of last night; and under these circumstances, having no reason to apprehend that a delay of a few days would make any material difference in the position of the Government—con-

dering that it was impossible to permit the vote of last night to lie dormant,—that the Government must proceed with the Tithe Bill, being firmly resolved to adhere to the principle of their own Bill ["*hear, hear;*"] being firmly resolved, not to adopt the principle of the vote of last night ["*hear, hear;*"] under all these combined considerations, they had, as he had said before, felt it to be their duty, as public men invested with a public trust, respectfully to request his Majesty to permit them to restore that trust into the hands of his Majesty. They, therefore, now only held their offices provisionally, and for the temporary execution of public business, until his Majesty shall have made other arrangements for the conduct of the Government. Under these circumstances, he should submit to the House, that, perhaps, the best course he could propose would be, that there should be a short adjournment. It would not be necessary that the adjournment should extend beyond Monday; and he should make the Motion for an adjournment at once, had it not been that there was an election Committee for which a ballot was appointed for to-morrow. Perhaps the House would feel that any discussion on public matters, in the present state of affairs, could not be proceeded with to any advantage. He had not the slightest hesitation in supposing, from the forbearance which the House had always shown on similar occasions, that the Motion would be unanimously agreed to; but lest any inconvenience should arise with respect to the Election Committee, the ballot for which stood for to-morrow, the House would perhaps meet to-morrow for the single purpose of that ballot, and when it was completed, adjourn till Monday. ["*Hear, hear!*"] *from both sides of the House.* The Motion also which he had now to make, and which he made merely in consideration of public interests—namely, the Motion for the third reading of the Mutiny Bill, he was quite sure would be cheerfully acquiesced in. ["*Hear, hear!*"]

He had been anxious to give this explanation as briefly as he could, and in a manner the least calculated to give offence, or to excite angry feelings. [*Great cheering from all parts of the House.*] For himself, the whole of his political life had been spent in the House of Commons—the remainder of it would be spent in

the House of Commons; and, whatever might be the conflicts of parties, he, for one, should always wish, whether in a Majority or in a Minority, to stand well with the House of Commons. [*Immense cheering throughout the House, which continued for some minutes.*] Under no circumstances whatever, under the pressure of no difficulties, under the influence of no temptation, would he ever advise the Crown to resign that great source of moral strength which consisted in a strict adherence to the practice, of the principles, to the spirit, to the letter of the Constitution. ["*Hear, hear!*"] He was confident that in that adherence would be found the surest safeguard against any impending or eventual danger, and it was because he entertained that belief that he, in conformity with the opinions of his colleagues, considered that a Government ought not to persist in carrying on public affairs, after the sense of the House had been fully and deliberately expressed in opposition to the decided opinion of a majority of the House of Commons. It was because he had that conviction deeply rooted in his mind, that regretting, as he most deeply did regret, the necessity which had compelled him to abandon his Majesty's service at the present moment, yet upon the balance of public considerations, he felt that the course which he had now taken was more likely to sustain the character of public men, and to promote the permanent interests of the country, than if he had longer persevered in what he believed would have proved a fruitless attempt, to conduct as a Minister, the King's service, in defiance of that opposition which had hitherto obstructed the satisfactory progress of public business. [*The right hon. Baronet, at the conclusion of his speech, was most enthusiastically cheered from all corners of the House for a considerable time.*]

Lord John Russell said, he wished only to state that he was perfectly satisfied with the course which the right hon. Gentleman had proposed for the convenience of public business, and that he believed there would be no objection to the adjournment. He did not wish to make any comment on what had fallen from the right hon. Gentleman, except to express his opinion that the right hon. Gentleman had acted entirely in the spirit of the Constitution.

HOUSE OF LORDS,

Thursday, April 9, 1835.

MINUTES.] Bill. Read a third time:—Oaths' Abolition. Petitions presented. By the Dukes of SUTHERLAND and ARGYLE, the Marquess of BUTE, the Earl of OXFORD, and another NOBLE LORD, from a Number of Places, for Additional Accommodation in Scotch Churches.

IRISH EDUCATION COMMISSION.] Viscount Duncannon seeing the right reverend Prelate opposite, rose to request that he would postpone, till Monday, presenting the petition complaining of the conduct of the Irish Education Commissioners, on the ground he had stated yesterday, namely, that he had not yet received from Ireland an answer to his communication, so that he was not prepared to go into the subject of the petition.

The Bishop of Exeter said, that it was impossible for him to resist the application of the noble Lord, though the granting it was highly inconvenient to him, as he hoped to be in his diocese by that time. However, as the noble Lord had made the request, he felt it imperative on him to stay till Monday. Perhaps he might now be permitted to move that an humble address be presented to his Majesty praying that he would be pleased to direct that there might be laid on the Table of the House copies of the instructions given to the Commissioners appointed to inquire into the state of religious and other education in Ireland, and also a copy of the appointment of Mr. Gibson Craig. The last part of his Motion he made because in the petition reference was made to the supposed instructions given to the Commissioner.

Viscount Duncannon stated, that he believed Mr. Craig was not included in the first commission. Only eight persons had been named in it, and it was afterwards found that more were required, and Mr. Craig was then placed in the Commission. If there was no objection on the part of the Government, and the right reverend Prelate would move for the second Commission, dated in August last, he would obtain the names of all the Commissioners and would then get the instructions given to them.

The Duke of Wellington did not know that there would be any objection if made at the proper time, but he submitted that under existing circumstances it was not regular to move for a grant of papers. The right reverend Prelate should wait until his Majesty had appointed his responsible advisers when the papers might properly be moved for. Under these circum-

stances he thought it was desirable that some delay should take place in calling for these papers.

Lord *Brougham* said, that nothing could be more correct than the observation of the noble Duke opposite. The King could do no act without responsible advisers. It was in this instance a matter of mere form, but form was sometimes of the essence of a proceeding, and for form's sake the Motion for papers ought to be postponed. He had no doubt that the right rev. Prelate would not object to the postponement. As to Mr. Craig himself, he thought that that gentleman's name might not be even in the second Commission, for one, if not two names, had been omitted; certainly Mr. Craig was not in the first Commission. He should consider it peculiarly unfortunate if anything could be alleged against Mr. Craig; for he had himself recommended Mr. Craig, whom he had known from childhood, who was the son of Sir James Gibson Craig, a gentleman well known to their Lordships, and who was the personal representative of Sir Thomas Craig, the celebrated feudal lawyer. Mr. Craig was himself a barrister of ten years standing, and to considerable attainments he joined an excellent understanding, and an unexceptionable character in point of integrity, as well as being judicious and courteous in his disposition; and this last quality he had thought most important, in reference to the task which Mr. Craig would be called on to perform.

Motion postponed.

OATHS' ABOLITION BILL.] The Duke of Richmond moved that this Bill be read a Third Time.

Motion agreed to.

The Earl of *Wicklow* moved an Amendment to the eighth clause, the object of which was to make the Bill extend to Ireland. He said, that it had been his intention to propose a clause that would have abolished all oaths to be taken by persons connected with the gaols and fever hospitals of Ireland, but as he had not been present when the Bill went through its earlier stages, he should not do so now. This Bill set a precedent, which he was sure must be more extensively followed up, and larger alterations must be made in the law relating to oaths. He was convinced that in the course of the next Session the Government must take up the matter. He should, therefore, refrain from pressing his more extensive Amendment, and should confine

himself to the introduction of one word that would make the Bill applicable to Ireland. As the clause now stood, it contained only the words "turnpike roads," and "highways." There were but few of the first, and the last would not be taken to include roads, at least so he was informed by the lawyers of Ireland. He, therefore, moved that the word "roads" be added to the clause.

The Duke of *Richmond* had not the least objection to the proposed alteration.

The Bishop of *London* said, that their Lordships must not consider their work as done, but must look on what had been done as an encouragement to further labours. They must appoint a Committee to inquire into the subject. The time of the appointment of the Committee would be when the Government took the matter, as they must do, into their own hands, with a view to make an extensive alteration of the present system, an alteration which was required by the best interests of religion and morality.

Lord *Brougham* thought, that the clause desired by the noble Earl relative to the oaths taken by persons connected with gaols and fever hospitals might be introduced as an Amendment in a single line of the Bill, or there might afterwards be a Bill with one clause passed for the purpose in the present Session, for this Bill like others had a clause declaring, that the Bill might be amended in the present Session.

The Duke of *Richmond* had proposed this Bill at the beginning of a Reform on this subject, that he hoped would before long relieve the Statute-book from the great majority of oaths now required in different cases.

The Earl of *Wicklow* did not wish to introduce his clause by way of Amendment at this stage of the Bill, and perhaps the necessity for a short Bill, as suggested by the noble and learned Lord, might be avoided, as perhaps the Bill might be returned to them from the Commons so amended.

The Clause agreed to, and the Bill was passed.

INDEMNITY OF WITNESSES.] The Earl of *Mulgrave* moved, that the Witnesses Indemnity in Bribery Cases' Bill be committed, and said, that he should not trouble their Lordships with any observations upon it, as they had already agreed to the principle of the measure, and the details might be taken in Committee.

The Earl of *Wicklow* was much surprised that the noble Earl opposite had introduced such a Bill as this, sitting, as he did, on a bench that was the property of the Whigs (the Opposition Bench), without any further notice than he had thought proper to give it. It was true that other Bills of the same sort had passed their Lordships' House, but then all those Bills were passed for specific purposes, and particular reasons were assigned for passing them. A certain advantage was obtained by those particular Bills; but this Bill was of a different nature—it introduced a new principle as the law of the land. In the better times of our history, in the better times of the Whig party, the Whigs did not pursue such conduct. The first Bill on this subject was introduced in the year 1742. At that time there was a combination of men of all parties, for the purpose of driving a most able Minister from public life, and on succeeding in that, for the purpose of persecuting him in private life. He need hardly say that he alluded to that celebrated Minister Walpole. When the witnesses as to his conduct were first brought forward, they refused to give evidence before the Committee, and a Bill of indemnity was then proposed for their security. The proceeding, at that time, was so far from being countenanced by the Whigs, that it was justly and forcibly condemned by a great Whig historian, who called it "an Inquisitorial Bill." The Bill passed the Commons, but when it was brought up to their Lordships' House, it was rejected by a majority of fifty-seven, the numbers being fifty-two for, and 109 against it. The Lord Cardigan, though a bitter enemy of Walpole, denounced it as unconstitutional; and the greatest constitutional lawyer, that, perhaps, had ever sat upon that Woolsack (Lord Hardwicke) gave the same opinion. He should not take the sense of their Lordships on his objections to the measure, but he could not let it pass without stating them.

The Lord Chancellor recommended that the Bill should now be committed, and these objections could be discussed in the Committee—not at that moment, but after the Government was formed. In the mean time the Bill might be printed.

Lord Brougham fully concurred with that suggestion. In justice to his noble Friend, he ought to remind the noble Earl opposite that the Bill had been much discussed—that he himself had opened it to

the House last year, when it underwent much discussion. There certainly was one clause in the present Bill that was as ill-framed as he had ever seen a clause in his life, and it had been agreed that that clause should be fully considered in Committee. The noble Earl opposite had been so anxious to make an historical parallel that he not only altered and amended, but had made a little history for the purpose; for such an extraordinary combination of parties as the noble Earl had described in former days certainly had not taken place in those days, and he would tell their Lordships why—it was because they were days in which parties had little principle of any sort to guide them. He was sure that the noble Earl's history was not quite so correctly given as usual, for though true it was, that there were now Tories and Whigs, and so far the two periods were alike, there was this difference between them, that not only there were then Tories and Whigs, but sections of Tories and sections of Whigs, which was not the case in the present day; and the questions that divided all these parties were not, as now, questions of great principles, but questions how power should be distributed in this great family or the other. He was quite clear in his own mind, that if the noble Earl had really felt all that he had now stated about the Whigs of the present time, as compared with those of better times, he would have stepped forward before, and have said so; for it was not the part of a very kind friend to keep back his opinion till it was too late to be of service; and if the noble Earl had stated these things before, there was no saying what might have been the consequence.

The Earl of *Wicklow* said, that there certainly was this resemblance between the Whigs of former times and those of the present, that now they were called the Radical Whigs, and then they were called the Disaffected Whigs. There was some resemblance, too, in the anecdote told of Pulteney, afterwards Earl of Bath, who, when sent for to form a coalition Ministry, said that the heads of parties were like the heads of snakes—they were impelled by their tails.

Lord Brougham was glad that he had given the noble Earl the opportunity of explaining the meaning of his references, and of showing where the supposed applicability of them was to be found. The anecdote just related by the noble Earl, of which he had never heard before, certainly

did show that there was some applicability in the circumstances of past times to the language of the present times, but he could not say how far the language was applicable to the facts.

The Earl of *Mulgrave* really did not see, at that particular moment, the point of the joke about those (the Opposition) Benches being the property of the Whigs. The noble Earl had said, that these Benches were the property of the Whigs, but whether they were or not, or whether the noble Earl was of those who occupied them or not, as the noble Earl had the reputation always of being in the majority in that House, had he maintained these objections to the principle of the Bill, they might probably have been successful and he should have brought them forward before.

The Bill went *pro juncatu* g a Committee.

HOUSE OF COMMONS,

Thursday, April 9, 1835.

INVESTIGATIONS IN ARMAGH.] On the Motion that the House do now adjourn,

Mr. *Spring Rice* said, that before this Motion was put, he could not refrain from calling the attention of the House to the course of proceeding adopted by a noble Member (Lord Mandeville) who, after giving notice of a Motion for last night, in which very serious charges were brought against a Member of the Upper House (the Earl of Gosford), had, without the slightest notice of postponement, or even intimating such an intention across the Table, thought proper to absent himself altogether from the House, and had that morning left town. He (Mr. Spring Rice) did not intend to go into the merits of the case, in the noble Member's absence, but he had thought it right to express his opinion, that, in thus neglecting, without even a verbal notice, to proceed with his Motion, the noble Member had been guilty of much discourtesy towards the House, and of extreme injustice towards the noble Lord, whose character was involved, and over whom this Motion had been kept hanging for some time past, without any opportunity having been given him or his friends of vindicating him.

Mr. *Shaw* said, that the noble Lord (Lord Mandeville), after the understanding which had been come to, in consequence of the speech of the Chancellor of the Exchequer, had left the House under the full impression that it would not be possible

to proceed with his Motion; and he had probably considered that the same understanding would sufficiently explain his reason for not proceeding with it to the parties interested in the Motion. The noble Lord had, accordingly, left town for Ireland, whither he was called by the most urgent business.

Viscount *Acheson* did not see, that the complaint against the noble Lord was at all answered. What he had been justly found fault with for was, that, day after day, he had kept a Motion like this impending over a noble Earl who could not be present to defend himself, and that on the day when he had promised to bring it forward he had, without even the most indirect intimation of his intention to do so, altogether neglected to proceed with his motion, and left town.

The conversation was dropped, and the House adjourned.

HOUSE OF LORDS,

Friday, April 10, 1835.

MINUTES.] Bill. Read a second time:—Marine Mutiny. Petitions presented. By the Dukes of GORDON and RICHMOND, the Earl of KINNOUL, and the Archbishop of CANTERBURY, from a Number of Places,—for Additional Accommodation in Scotch Churches.—By the Earl of MALMESBURY, from a Number of Places, for Protection to the Church of England and Ireland.—By the Earl of DERBY, from the Workmen of several Cotton Mills, for Abolishing the Factories' Regulation Act.

MUTINY BILL.] On the Motion of The Duke of *Wellington* the Mutiny Bill was read a second time.

The noble Duke moved, that it be committed.

Lord *Teynham* hoped that those who were soon likely to come into the Government would turn their earliest attention to a subject that had already been under discussion in the other House of Parliament—he meant the framing of a new code of military discipline, so as to prevent the necessity of corporal punishment. He trusted also that the law relating to the Militia would be altered, for when the Militia were called out they were subject to martial law, and he did not think it fit that this, the most constitutional force in the country, should be subjected to such punishments as were provided by the present military code. He had himself served in the Militia, and he knew the objections that prevailed there to the present system.

The Duke of *Wellington* said, it was true that this subject had been under discussion

in the other House of Parliament, but he had the satisfaction of knowing that there never had been any occasion till now when it was adverted to in their Lordships' House. He should not follow the noble Baron into a discussion of the present practice, but should merely observe that the subject was now under the consideration of a commission appointed by his Majesty, and it therefore appeared to him that the noble Baron had most unnecessarily adverted to it.

Lord Teynham did not know why he was to receive a reprimand from the noble Duke for the observations he had made. He repeated that the Militia was the most constitutional force of the country, and that in the event of its being called on to act, it ought not to be subjected to the present military code.

The Bill was committed, and ordered to be read a third time to-morrow.

HOUSE OF LORDS,

Saturday, April 11, 1835.

MINUTES.] Bills. Read a third time:—Mutiny; and Marine Mutiny.

Petitions presented. By the Duke of GORDON, from four Places, for further Accommodation in Scotch Churches.

HOUSE OF LORDS,

Monday, April 13, 1835.

MINUTES.] Bills. The Royal Assent was given by Commission to the following Bills:—Mutiny; Marine Mutiny; British Territories (India); Indemnity; and to five private Bills.

Petitions presented. By the Marquess of AILSA, from the Handloom Weavers of Maybole, for a Board of Trade.—By the Marquess of ROSEBERRY, from Arbroath and Glasgow, against any further Grant of Money for Building Churches.—By the same, the Dukes of GORDON, SUTHERLAND, and RICHMOND, the Marquess of AILSA, and the Earls of GALLOWAY, BEAUCHAMP, GREY, and MANSFIELD, from a Number of Places, in favour of a Grant for Building Churches in Scotland.—By the Earl of MALMESBURY, from several Places, for Protection to the Protestant Church of England and Ireland.

HOUSE OF COMMONS,

Monday, April 13, 1835.

MINUTES.] New Writ ordered. For Essex Northern Division in the room of the Right Hon. ALEXANDER BARING, called to the House of Peers as Lord ASHBURTON.

Bill. Read a first time:—Oaths' Abolition.

ADJOURNMENT.] The *Chancellor of the Exchequer* said:—I have received an intimation from his Majesty, that arrangements for the formation of a new Government are in progress, but that they have not yet been finally completed. Under these circumstances, I cannot doubt that

the same motives which induced the House on a former day to consent to a short adjournment will still influence them, and that, from considerations of convenience to the public service, they will now agree to a similar Motion. I therefore beg leave to move, that the House, at its rising, do adjourn till Thursday next.

Adjourned accordingly.

HOUSE OF LORDS,

Tuesday, April 14, 1835.

MINUTES.] Petitions presented. By the Earl of ROSEBERRY, from Perth, against any Grant for Building Churches, and by Lord BROUGHAM, from Paisley and other Places, to the same effect.—By the Duke of BUCKINGHAM, from several Places, against the Poor-Law Amendment Act.—By Lord KENYON, from one Place, for the Better Observance of the Sabbath.—By the Duke of GORDON, from a Parish in the Orkneys, for a Resident Clergyman from another Parish to be separated into two.—By the Dukes of GORDON and RICHMOND, the Earl of SHAFTESBURY, and Lord DUNDAS, from a Number of Places, for Increased Accommodation in Scotch Churches.

HOUSE OF LORDS,

Wednesday, April 15, 1835.

MINUTES.] Petitions presented. By the Duke of GORDON and the Earl of ROSEBERRY, from several Places, for Protection to the Church of Scotland.—By the Earl of MALMESBURY, from Lyndhurst, for Protection to the Protestant Church of England and Ireland.

HOUSE OF LORDS,

Thursday, April 16, 1835.

MINUTES.] Petitions presented. By the Duke of GORDON and the Earl of ROSEBERRY, from several Places, in favour of, and by the latter, from Stow, against the Grant for Building Churches in Scotland.

HOUSE OF COMMONS,

Thursday April 16, 1835.

MINISTERIAL ARRANGEMENTS.] The *Chancellor of the Exchequer* said: Having had the honour of receiving an intimation similar to that which I received on Monday last, and on which I then proposed an adjournment of the House until this day, I now beg leave to make a similar Motion, and propose that this House, at its rising, do adjourn till Saturday.

The Speaker having put the question,

Mr. *Sinclair* wished to know from the noble Lord (Lord John Russell) opposite, whether anything definite had yet been done towards the formation of a new Government? In the present aspect of public affairs, when so much anxiety existed in the public mind, it was absolutely necessary, and would be extremely satisfactory, to know how far the new Cabinet

arrangements had advanced, and whether it would be really worth while to come down to the House on Saturday next. Since the dissolution of the late Administration, the greatest possible anxiety had prevailed in the country; the difficulties which now presented themselves could not be looked upon as in any degree unexpected; they must have been foreseen, or ought to have been, by the noble Lord opposite, and those who acted along with him. Every day since Parliament met, they had been told that practically there was no Government except in the Opposition; and that his Majesty's Ministers had not a leg to stand upon, nor an hour to live. The noble Lord (Lord J. Russell), after many threats, had put his motion in the shape of a decisive resolution with the view of not merely embarrassing, but altogether displacing the Government; but he had found it much more easy to overthrow the Doric column of a Conservative Administration, than to erect in its place one of that composite character of which the heterogeneous materials existed on the other side of the House. The manly and statesmanlike speech of the right hon. Baronet on his retiring from office, together with his whole conduct, had made a great and lasting impression on the country; and the people of England would look with much more confidence to an Opposition of which the right hon. Baronet was the leader, than to any Government of which the noble Lord or any of his friends elsewhere should be the head.

Lord John Russell said, I feel it impossible for me to give at present a direct answer to the question put by the hon. Gentleman; and I likewise feel extreme difficulty in making any precise communication to the House. At the same time I am ready to own, that if any portion of the House desire information, it is my duty, so far as I can consistently with the duty I owe to the Crown as well as to the House, at once to make that communication. I have only therefore to state, that on the dissolution of the late Ministry his Majesty sent for Earl Grey, to request his advice on the state of public affairs. By the advice of my Lord Grey, his Majesty sent for Lords Melbourne and Lansdowne to consult with him, and have their opinion on the following day; and the result has been that various communications have since taken place between his

Majesty and Lord Melbourne. Those communications, however, have been of a preliminary nature, and being of a confidential character, I cannot of course state the nature of them to the House. I may, however, say this; that I do not think until Saturday next Lord Melbourne will be able to say that he is definitively authorised to submit to his Majesty a list of the members of a new Administration.

The Motion of adjournment was agreed to.

HOUSE OF LORDS, *Saturday, April 18, 1835.*

MINUTES.] Petitions presented. By the Marquess of LANSDOWNE, from Waterford, against the System of Intimidation practised at Elections.—By the Earl of WICKLOW, from two Bodies of Clergymen, for Protection to the Protestant Church of Ireland.—By the Earl of YARBOROUGH, from the Agriculturists of Kingston, for Relief, and the Repeal of the Malt-Tax.—By the Duke of GORDON, from nine Places, in favour of, and by Lord BROUGHAM, from two Places, against the Grant for Building Churches in Scotland.

CORPORATIONS.] Lord Brougham said, that he must be allowed to take that opportunity of trespassing on their Lordships' attention for a few moments while he corrected a great misrepresentation which had gone abroad respecting the amendment of the abuses in corporations. He did not often take notice of matters of the kind; if he did, he should frequently have occasion to trouble their Lordships with the correction of errors; but as the mistake in this instance related to a measure of the late Government, he felt bound to take the earliest opportunity of correcting it. It had been stated in a Review of great respectability, conducted, as he believed, with considerable ability and skill, that the Bill which he had brought in with the sanction of his Majesty's late Government, which was read a first time, and which had in view the important purpose of giving a new constitution to the corporations of this country, was a Bill which was defective in some particulars, and which had been hastily revised. It might be a Bill ill concocted—it might, for aught he knew, by some be deemed a bad Bill—he himself believed that it was well concocted, well prepared, and that it would stand the test of the severest scrutiny; but at all events he was ready to declare most positively that it was a Bill not got up in haste, and that the statement that it was so was positively and peremptorily contrary to the fact. It

had occupied considerable time in the preparation—it had occupied seven or eight Commissioners' constant attention for seven or eight weeks, who had visited on the spot and examined every one of the new boroughs, and the Bill was the result of their report—the result of his consideration of that report—the result of the deliberate advice of those Commissioners—and not only of them, but of the parties who resided in those towns, and who stated what they thought would be proper in each particular instance; and that advice and those recommendations, were attentively considered in the concoction, so to speak, of the measure. He should only add what seemed to have been forgotten in the discussions on this subject, that on the doubtful and difficult question whether Aldermen should be elected for life, or should be removable, he had stated that there were considerable differences of opinion, that he himself had not made up his own opinion on the subject, and that he had stated this, not only when he brought in the Bill, but repeatedly in the course of the last session, that he had not finally made up his mind, either on that subject, or on the extent of the franchise—whether the 10*l*. franchise or not—in the new corporations, as to the election of the corporate officers. But there was one thing on which he had made up his mind, and that was, that the judicial functions in a corporation should be discharged, if there were not local courts established throughout the country, by a legal person, who should be called the recorder; but if there were, as he hoped there would be, local courts established, by the judge of one of those courts.

Subject dropped.

THE MINISTRY.] Viscount Melbourne then rose and said, My Lords I rise now to move the adjournment of this House, and in doing so I shall take the liberty of making a few observations on a subject connected with the adjournment. Your Lordships have been informed from what has already taken place elsewhere, that his Majesty has been pleased to appoint me first Lord Commissioner of the Treasury, and that I and my friends who have taken office with me have waited on his Majesty, and have received from him the seals of our respective offices. With regard to the difficulties that must be encountered by this Administration, I know them to be

great and arduous—many indeed are of a peculiar and a severe kind. It is not, however, my intention to expatiate upon these difficulties at the present moment, but it is my intention to state, in a few words, the principles on which the Administration now formed will proceed. Suffice it then to say, that they are the principles of the former Administration, with which I was similarly connected last year—principles which, to a great extent, have been admitted, recognised, confirmed, and strengthened by those whom I am about to succeed. They are the principles of safe, and efficient reforms—reforms which, while they purify and cleanse, will seek at the same time to strengthen and give stability to our institutions. With respect to the particular subject which has recently engrossed the attention of Parliament, and which has just now been adverted to by a noble Lord on the other side of the House, the (Earl of Wicklow) I mean the subject of matters of a religious character, I desire to assure your Lordships, and, through your Lordships, the country, that every measure which is contemplated on the subject will have for its object the promotion and the increase of true piety throughout the whole and every part of his Majesty's dominions. I have but a few observations to make on the present occasion as to the adjournment. In the hurry and pressure in which this Administration has had to be formed, it has been impossible that all the business of this, or the other House of Parliament, could be regularly proceeded with. Your Lordships are aware that some time must necessarily elapse before his Majesty's Ministers in the other House of Parliament can be able to proceed with the business there, and that House has, therefore, adjourned till Monday, and will adjourn from that time till the 12th of May. I trust that your Lordships will be willing to do the same, and if you think proper I will make a motion to that effect; but if you wish that we should only adjourn to Monday, I will move the adjournment accordingly. Under all the circumstances of the case, and considering the great pressure of business before the other House, and that we cannot well proceed with that business before it has been sent up to us from the other House, I should propose that we adjourn to Tuesday, the 12th of May.

The Duke of Richmond thought, that it

would be inconvenient for the House at once to adjourn for so long a period as the 12th May. There were several committees sitting, and one of them was upon a subject of the greatest possible importance. He had the honour to fill an important place in one of these Committees—that upon the state of our gaols—and, on behalf of that Committee, he suggested to his noble Friend, that if the House now adjourned till the 12th of May, the Committee itself could not proceed with any business till the 13th. There were many witnesses to be sworn to give evidence before that Committee; and he should propose, therefore, that the House should adjourn, in the first instance, to the 30th inst., with the understanding that it was to meet then solely for the swearing in of witnesses for the Committees, and that no public business would be taken.

Lord *Alvanley* said, that there was a subject to which the general attention of every man in England had been lately much directed; and now that his noble Friend had announced himself as the head of the new Government, he should wish to give his noble Friend an opportunity of affording some explanations on that subject. He therefore asked whether his noble Friend had procured the powerful aid of Mr. O'Connell and his party; and on what terms. In ordinary times, a Minister might fairly decline to answer such a question; but these were not ordinary times. The Government must either treat with Mr. O'Connell, or must declare war against him. His noble Friend and the party with whom he acted had once declared war against that individual in a speech which, upon their advice, his Majesty had delivered from the throne. He wished to know whether his noble Friend's opinions had changed since that time; and if the Government had entered into a treaty with Mr. O'Connell and his party, then on what terms it stood with them? Mr. O'Connell's opposition was well known, and it was not likely that he would withdraw his virulent opposition without some equivalent; and the House ought to be put in possession of what that equivalent was to be. The reason why he put this question to his noble Friend at so early a period of the existence of the Government was, that for months past Mr. O'Connell had lost no opportunity of stating his opinion as to the Repeal of the Union, and the destruction of that House. In the autumn

of last year Mr. O'Connell addressed a letter to a noble Friend of his (Lord Duncannon), at that time Secretary of State for the Home Department. The right hon. and gallant Gentleman who was recently at the head of his Majesty's Government—yes, I say the right hon. and gallant Gentleman, for during his short continuance in office he exhibited in that arduous, glorious, and memorable struggle, which must ever distinguish his Government, a degree of moral courage, of patriotism, and invincible fortitude, such as I am convinced has never been, perhaps never will be, surpassed. That right hon. Gentleman has, in the House of Commons, already read the letter written by Mr. O'Connell to which I am about to refer. After some appeals to Members of the then existing Ministry, the letter goes on thus—"I do feel the powerful influence of duty which commands me to make the utmost efforts, in order to procure for Ireland the Repeal of the Union." This is plain enough; but he is still plainer, and his language is, perhaps, more forcible in an address which he made at a meeting of the Anti-Tory Association. He says—"I was never more convinced of the necessity of a Repeal of the Union, and of establishing a national Parliament on College-green. It is not vanity, but I shall not be satisfied till in that Parliament I am hailed by some Member as the father of my country. The time is not far distant when the Union will be prostrate at our feet, and Ireland freed from her chains." And alluding to the difference among Reformers on that subject, he said that "they would sink those differences for the present, and bring them again into play when a more fitting opportunity presented itself." These were that individual's opinions only two short months ago. With regard to this House, I shall now read an extract, which shows that without its abolition this hon. and learned Gentleman will not be contented. It is for your information, my Lords, and for that of the noble Lord opposite (Lord Melbourne), upon whom, if he is not already aware of it, I trust that it will not fail to make the impression which in my opinion it ought to produce. The hon. and learned Gentleman, in addressing a very numerous meeting, said, "The reform of the House of Lords is absolutely necessary to establish and secure our popular freedom. I am anxious that that House

should be based on sound common sense; in short, that it should be converted into an elective assembly." Such language, coming from such a quarter, is not to be considered as mere words of course. Mr. O'Connell has pledged himself, as deeply as any public man possibly can pledge himself, to subvert the constitution of this House; and I call on the noble Lord opposite to give that information which he is bound to afford by his character, and his station first as a Gentleman, to state to the people of England on what terms he stands with Mr. O'Connell, and next as a Peer, and a Minister of the Crown, to declare how far he coincides with Mr. O'Connell's opinion, as to the constitution of that House, and the Repeal of the Union. I ask him, on what terms has he negotiated with Mr. O'Connell, and how far he stands committed to that hon. and learned Gentleman, who most solemnly declares he will never rest till he has effected the Repeal of the Union. I call on the noble Lord as a Peer of the realm, and a Member of this House, to state how far he coincides with the hon. and learned Gentleman in his project for reducing this branch of the Legislature to so humble a position as that of a mere elective assembly?

Lord Brougham rose to order.

Lord *Alvanley* had done.

Lord *Brougham* entreated his noble Friend (Lord *Melbourne*) to allow him to say a word before he gave any answer to the question put by his noble Friend opposite. [*Loud cries of "Order."*]

Lord *Alvanley*; I did not address the question to the noble and learned Lord.

Lord *Brougham*: No; and it is precisely for that very reason that I rise to answer it [*cries of "Order."*]

Lord *Kenyon* rose to order, and complained that when the noble Lord was putting a question, in which he was quite regular, he was interrupted by the noble and learned Lord, who was clearly out of order.

Lord *Brougham* said, that he had a right to speak upon the Question of Order. He had risen, in the first instance, to stop his noble Friend opposite, on the ground that the question he was putting was out of order. His noble Friend then said that he had done, and then there was no longer any interruption of his noble Friend's speech; but then he (Lord *Brougham*) craved his noble Friend near him (Lord

Melbourne) not to answer the question; and he now craved his noble Friend not to answer it. It was a question unparalleled in disorder. *The Gazette* would show who were in place, and the measures would show what would be the conduct of the Government. Had their Lordships ever before heard a question as to what arrangements had been made with any individual? His noble Friend would, of course, take his own course; but he humbly entreated him not to sanction such a question by answering it.

The Earl of *Wicklow* contended that the question was not out of order. Whether it was a judicious question or not, was another matter; but it was not out of order; and the noble and learned Lord's rising in that unprecedented manner, was in itself a most disorderly proceeding.

Viscount *Melbourne* said, I shall not say much upon the Question of Order, nor how far my noble Friend opposite was in order or not, when he put the question to me. He certainly made a longer speech, and indulged in a greater number of observations, than is usual in asking a question. However, nothing is more easy and simple than to give an answer to the questions he has put, and I shall give the answer. In the course of his speech, my noble Friend asked me how far I coincided with the opinions of Mr. O'Connell with respect to this House? I answer, not at all. My noble Friend asked me whether I entertained the same opinion that I expressed on a former occasion when an Act, commonly known by the Coercion Act, was under consideration in this House? I answer—that I certainly do. I persevere in those opinions. The noble Lord asked me whether I have taken any means to secure the assistance of Mr. O'Connell, and if so, upon what terms? I answer that I know not whether I shall have the aid of Mr. O'Connell. I have certainly taken no means to secure it, and most particularly I have made no terms with Mr. O'Connell. To that which has been stated by my noble Friend I beg to give a most decided negative—if he has been told the contrary, he has been told that which is false. There is no foundation, directly nor indirectly, for such a statement.

Lord *Alvanley*: If I have been out of order, I am most happy to have been so, for my being out of order in putting the

question has produced a most satisfactory answer from my noble Friend opposite, and I do not think that I have merited the rebuke of the noble and learned Lord.

The Duke of *Buckingham* said, that nothing could be more satisfactory than the reply of the noble Viscount, and he trusted that the country would profit by the declaration. Rumours, however, had got about, that great pains had been taken to conciliate Mr. O'Connell. It was now found that that was not so. The noble Viscount had stated that the measures of his Government would have the same principles for their foundation as the measures of the Government of which he had before formed a part, and that all his measures would be directed to increase the usefulness of—[*The noble Duke was here corrected by Peers on both sides of the House, in his mistakes as to what Lord Melbourne had said.*]—On what principle had the late Government resigned their situations? It was on this principle, that being beaten on a Question in the other House of Parliament by that House adopting a resolution that no measure relating to the Church of Ireland would be satisfactory, unless a clause was introduced for appropriating the surplus funds of that Church, if there were any surplus funds of the Church, to other purposes than those of the Protestant faith, they resigned rather than carry that resolution into effect. Now he might be permitted to ask the noble Viscount emphatically, whether he was prepared, acting as he said in the interests of true religion, to bring forward a measure for the regulation of the tithes of Ireland connected with that resolution, that the surplus, if any, should be applied to other than religious purposes?

Viscount *Melbourne*: The course now pursued by the noble Duke is most inconvenient, for if I were to go into the Question of the Tithes, I should enter upon a long and difficult subject. I shall be content, therefore, with stating distinctly that I am bound by, and consider myself pledged to act upon, that resolution.

The Marquess of *Londonderry* had refrained till now from presenting a petition with which he had been intrusted; but he felt it his duty now to state that he was charged with presenting a most important Petition, signed by 60,000 inhabitants of the north of Ireland. That petition was for protection to the Irish Church, now

threatened on every side. It was impossible to see who was placed at the head of the Home Department without knowing that Ireland would be convulsed to its foundations. He should take the opportunity the earliest day after the recess to present this petition. He had hitherto refrained from presenting it, as he felt convinced that the conduct of the late Government would have afforded consolation to Ireland; but as he now found it likely to be the contrary, he should discharge his duty to those who had intrusted him with this petition. If the noble Viscount went on in this way, he would be carrying on his Government by the positive forbearance of the Conservatives on the one hand, and the delusive promises to the O'Connell party on the other. He might fairly ask the noble Marquess opposite (the Marquess of Lansdown), whether such a Government was competent to govern the country—he might do this as the noble Marquess had done it to him—but he should follow a different course from the noble Marquess, and not quarrel with their incompetency till it was exhibited. They had seen an opportunity of that, for since the declaration that had been made of no agreement whatever with Mr. O'Connell, of a positive veto, a positive exclusion against Mr. O'Connell and his Radical crew, his Radical tail would soon show how little the noble Viscount's Government had to depend on.

Lord *Teynham* rose to order, and complained that the noble Marquess was not speaking with proper respect of the House of Commons.

The Marquess of *Londonderry* wished to treat the House of Commons with perfect respect. He had bowed to an opinion of that House; but he did say, and he distinctly declared, that that section of the House of Commons, which he had mentioned as a Radical tail, was the greatest curse to his country.

Viscount *Melbourne*: The noble Marquess has put words into my mouth which I did not use. I did not say one word about a veto or an exclusion. I said that I had taken no means to secure the aid of Mr. O'Connell, and that I had made no terms with him. As to the word 'veto', or 'exclusion', they are words which I should be very sorry either to use or acknowledge.

The Marquess of *Londonderry*: What he had meant to state was that there had

been a public meeting or dinner, and from what passed then between the noble Lord, now the Secretary for the Home Department, and Mr. O'Connell, he thought that terms must be made with Mr. O'Connell, and now he thought, from what had fallen from the noble Viscount, that it was a positive denial of his having any interest in the matter.

Viscount Melbourne said, that he had no objection to the arrangement proposed by his noble Friend (the Duke of Richmond), and he should, therefore, move that the House do adjourn to the 30th, on the understanding that no business whatever, but that of swearing witnesses, should then be entered upon, and that the House should then adjourn to the 12th of May.

Motion agreed to.—Adjourned accordingly.

HOUSE OF COMMONS,

Saturday, April 18, 1835.

MINUTES.] New Writs ordered. On the Motion of Mr. FRANCIS BARING, for Devon County (South) in the room of Lord JOHN RUSSELL, Secretary of State.—Cambridge (Borough) in the room of the Right Hon. THOMAS SPRING RICE, Chancellor of the Exchequer.—Northumberland (North) in the room of Lord Viscount HOWICK, Secretary-at-War.—Nottingham Borough in the room of Sir JOHN CAM HOBHOUSE, Bart., President of the Board of Control.—Manchester, in the room of the Right Hon. C. P. THOMSON, President of the Board of Trade.—Edinburgh City, in the room of Sir JOHN CAMPELL, Attorney-General.—Penryn and Falmouth, in the room of MOUNSEY ROBERT ROLFE, Esq., Solicitor-General.—Kirkcudbright, in the room of the Right Hon. ROBERT CUTLAR FERGUSON, Judge Advocate-General.—Totness, in the room of the Right Hon. Lord SKYMOUR, Commissioner of the Treasury.—Newport (Isle of Wight) in the room of WILLIAM HENRY ORD, Esq., Commissioner of the Treasury.—Stirling Boroughs, in the room of Lord DALMENY, Lord of the Admiralty.—Elgin, Boroughs, in the room of ANDREW LEITH HAY, Esq., Clerk of the Ordnance.—Leith, in the room of JOHN ARCHIBALD MURRAY, Esq., Lord Advocate for Scotland.—Dundee, in the room of the Right Hon. Sir HENRY PARNELL, Treasurer of the Navy and Paymaster of the Forces.—Cashel, in the room of LOUIS PERRIN, Esq., Attorney-General for Ireland.—Dungarvon, in the room of MICHAEL O'LOUGHLIN, Esq., Solicitor-General for Ireland.—Klakkmannan and Kinross, in the room of Admiral ADAM, Lord of the Admiralty.

HOUSE OF COMMONS,

Monday, April 20, 1835.

MINUTES.] New Writs ordered. On the Motion of FRANCIS BARING, Esq., for Invernesshire, in the room of the Right Hon. C. GRANT, who has accepted the Office of one of his Majesty's Principal Secretaries of State; for Yorkshire (West) in the room of Lord Viscount MORPETH, who has accepted the Chiltern Hundreds; for Taunton, in the room of HENRY LABOUCHERE, Esq., Vice-President of the Board of Trade and Master of the Mint; for Haddington (Burghs) in the room of ROBERT STEUART, Esq., Commissioner of the Treasury; for Berwick, in the room of Sir RUFANE SHAW DONKIN, Surveyor-General of the Ordnance; for Sandwich, Deal, and Walmer, in the room of Sir T. TROWBRIDGE, one of the Lords of the Admiralty.

Petitions presented. By Mr. TENNYSON, from the Prisoners^s confined for Debt in the King's Bench Prison, in favour of the Imprisonment for Debt Bill.—By Mr. H. MAXWELL from Cavan,

THE ADJOURNMENT.] Mr. Francis Baring, in moving the adjournment of the House, said, he was sorry to find the gallant Colonel (Colonel Sibthorp) ready to start any objection to it. If he thought that the same objection was entertained generally on the other side of the House, he should, without introducing any topics that could occasion a debate, feel it right to say, that the time proposed for the adjournment was only such as was absolutely necessary for the making the returns to the writs he had just moved. He would take, for instance, the case of his noble Friend, Lord Morpeth. In that case it was in the power of the Sheriff to make the writ not returnable till even after the day to which it was proposed that the House should adjourn. He did not say it was probable it would be so, but as the thing might happen, it was but fair to give a sufficiently long adjournment to meet any case of the kind, if it should arise. Besides, even if it should so occur that his noble Friend, and his other hon. Friends who had accepted office, should, after their return, have a day or two to themselves before meeting that House, he did not think that hon. Gentlemen opposite, who knew the extreme difficulty attendant upon the first entering into office, and making the arrangements, and determining as to the mode of carrying on the public business—he did not think, he repeated, that they would consider a delay of two or three days, under such circumstances, a very great one. There would not, in point of fact, be the slightest real delay in carrying on the public business in consequence of the proposed adjournment. In granting a somewhat long adjournment under such circumstances, the House would not be doing anything unusual. In the case of Mr. Canning, where a number of new writs had to be issued in consequence of a dissolution somewhat like that of the late Government, an adjournment for about a similar period was proposed, and granted for the same purpose—that of making the arrangements required by the accession of a new Government to office. He hoped, therefore, that no real objection would be taken by the House to the Motion with which he begged leave to conclude—that the House

on its rising do adjourn to Tuesday, the 12th of May.

Colonel *Sibthorp* said, that he saw no reason in what had been stated by the hon. Gentleman why he should not persist in entering his sincere and humble protest against the proposition just made. The hon. Gentleman had stated truly, that those Gentlemen would require time for making their arrangements, but he would tell him that they would require, not three weeks, but as many months, before they would be what he called comfortable in their offices, and before they could enter and sit upon their new, and, as he trusted they would always be to them, thorny seats. Many months would elapse before that could take place, and he hoped in the meanwhile they would be obliged to give way to men who would afford more satisfaction to the country. When he looked at the gracious speech of his Majesty from the Throne, which promised so much relief to the agricultural interests,—when he looked also at the state of trade which was never so bad, for you could not go into the city of London without hearing continual complaints on the subject,—when he saw agriculture without hope, and trade without support,—when he looked forward to a renewal of the grand fructifying system of the right hon. Gentleman, the new President of the Board of Trade (but who, he hoped would not long occupy that office),—when he looked forward to the opening of the ports, and the inundating of the country with foreign corn,—when he saw those twenty-three Gentlemen now going to enter the lists like racing horses, but not like horses of true mettle, but like splintered, spavined, broken-winded racers, with not a single sound one amongst them,—when he saw such a state of things, when he saw the country in such a condition, he thought it was a hopeless case, and his sense of duty to his constituents and the public induced him to protest against a Motion in every respect so unjustifiable. When, too, he read the statements he did in the newspapers, he would not accuse any man of telling an untruth, but this he would say, that he never could, and that he never would, believe, that the hon. and learned Gentleman opposite (Mr. O'Connell) would have held up his hat the other evening,—would have put on those happy smiles, and that pleasing countenance he then assumed, and would have

stepped forward to correct the hon. Gentleman in moving one of the new writs (for *Dungarvon*) if he had not been a prompter and adviser in the things that had taken place. Mr. Baring, in moving the writ called Mr. O'Loughlin, Serjeant, which Mr. O'Connell corrected. He (Colonel *Sibthorp*) had another objection to the proposed adjournment, as it would again oblige him to put off a motion that he had frequently endeavoured to bring in, for the appointment of a Select Committee in reference to the Ecclesiastical Courts' Bill. He was no party man—he had never acted from party feelings, but he must say, that he did not like the countenances of the Gentlemen opposite, for he believed them to be the index of their minds. He should, therefore, upon principle, oppose them upon every point, being firmly convinced that they could do nothing to satisfy the people, to benefit the country, or to promote the dignity of the Crown; and he would only say, in conclusion, that he earnestly hoped that God would grant the country a speedy deliverance from such a band.

Mr. O'Connell said, that he could not quarrel with the observations of the gallant Colonel, they were delivered with so much good humour, and were, like everything that fell from him, couched in the language of gentlemanly politeness. But, in one point at least, he must differ with the gallant Colonel. They who sat on that (the Ministerial) side of the House, certainly had not such remarkable countenances as the gallant Colonel and his friends around him on the opposite benches. The hon. Members opposite had the advantage of him and his friends in that respect. He would not abate the gallant Colonel a single hair in point of good humour on that or any other occasion. It was pleasant to have those things discussed in good temper, and with the politeness which characterized the gallant Colonel. Elsewhere they might be treated in a different style, and with perfect impunity, too. Elsewhere men degraded by the Resolution of that House as unfit to hold office, might presume to talk of the Irish Representatives in a manner highly unbecoming any man, and exceedingly indecent on the part of the Member of an august assembly—an indecency that would be insufferable if it were not ridiculous. There was no creature, half idiot, half maniac, it would seem,

elsewhere, that did not think himself entitled to use language there which he knew he would not be allowed to use in other places. The bloated buffoon, too, who had talked of them as he did, might learn the distinction between independent men and those whose votes were not worth purchasing, even if they were in the market. He thanked the gallant Colonel for the good humour with which he had introduced this matter; and if he could not have the gallant Colonel as a friend, it was pleasant to have him as an enemy.

Mr. *Sinclair* regretted, that the hon. and learned member had followed up his eulogium on politeness, and good humour, by a tissue of offensive personalities, on individuals not present to defend themselves.—He had always admired, and had himself long since adopted, the principle laid down by his learned Friend, of never being induced to sanction the practice of what the world calls, giving satisfaction.—But for that very reason, it was peculiarly incumbent upon both to avoid such expressions as could hurt the feelings of others, and lead them to seek that redress, which the assailant was determined not to grant. He had refrained from hazarding any remarks as to the new, or rather renovated, ministerial edifice, until the complete elevation stood before the public in all the stateliness of its outline, and in all the symmetry of its proportions. The three divisions of the empire had contributed their respective quotas, towards promoting its stability, and providing for its embellishment. It must be admitted that consummate discretion and admirable dexterity had been displayed, not only in the choice, but in the exclusion of certain materials: some hypocrites had expected to see the main building supported by a colossal column of basalt, from the Giant's Causeway.

Mr. *Methuen* rose to order.—he could not see what the Giant's Causeway had to do with the Question before the House.—[*go on—go on*].

Mr. *Sinclair* proceeded.—He believed that if he dug a trench deep enough to reach the foundations, he would find the corner stone of the edifice so entirely composed of that substance, that, if this support were taken away, the whole would at once be laid prostrate on the earth.—The fabric of this late Government was now destroyed.—What a number of anxious days and sleepless nights the prospect,

and still more the accomplishment of that catastrophe must have occasioned to the noble Secretary at War, who, on two memorable occasions, had declared that he should consider that event as a misfortune. Now however, like Marius on the ruins of Carthage, he may wander amid the storied urns and broken columns, indulging in a lugubrious soliloquy on the instability of human greatness, unless the official syrup which had now been administered, should operate as a soothing and salutary anodyne, to calm his perturbed spirits.—With respect to his right hon. Friend, the late Chancellor of the Exchequer, he must take the liberty to observe, that no one ever quitted office with a more unblemished character, or a more established reputation.—The lynx-eyed vigilance of party had never accused him of jobbing or of nepotism.—He had shewn a zeal beyond all praise, and an integrity beyond all suspicion, a talent which no difficulties could perplex, an eloquence which no efforts could exhaust, and a courage which no discomfiture could intimidate. He could not deny that, in paying this humble tribute, to his right hon. Friend, he was not entirely divested of personal feeling.—He had witnessed, in early life, the brilliant dawn of those abilities, which since then, in their meridian brightness, had attracted the world's admiration.—He had often foretold that there was no situation however exalted, to which his right hon. Friend was not justified in aspiring. The meed of public respect awarded to him had increased in proportion to the responsibility and importance of the offices which he was respectively called upon to fill. And when he had for a few months been placed at the pinnacle of power, he had been enabled to arrive also at the zenith of popularity.—He, though separated, but not estranged, from his right hon. Friend, by an honest difference of opinion upon certain great political subjects, had witnessed his brilliant and useful career, without the meanness of envy, or the folly of emulation; and when the Questions on which they had chiefly differed, had been adjusted, he had been happy to assist in ensuring to the Government of his right hon. Friend, a fair trial, by pausing before he censured, and listening before he condemned. With respect to the new administration, he was afraid that they would find their position, both painful and embarrassing—they would

feel themselves compelled to pursue a dubious, and vacillating course, now veering towards the Radical reefs of Scylla, and then tacking towards the Conservative quicksands of Charybdis.—They would be halting between the court and the Radicals, anxious to keep well with the one, and yet afraid to break with the other: bold enough to alarm the Tories, and yet too timid to satisfy the Destructives; the consequence of which at length would be, that at an early period of the ensuing session, if not before, on some day which he left to be settled in the next edition of Moore's planetary almanack, an ominous and temporary conjunction would take place between the Wellington Mars, and the O'Connell Jupiter, with all his tributary satellites, a motion would be made, perhaps by the Member for Kent, and seconded by Mr. O'Dwyer, the late and probably future Representative of Drogheda, that the House has no confidence in his Majesty's Ministers, and on a division the numbers would appear:—Ayes, 426; Noes, 197—Majority, 229. They had formerly complained of the pressure of adversaries from without; they had now to dread the importunity of confederates from within, who were rather anti-tory than pro-whig, and with whom on a sudden thought striking them, they had sworn a temporary friendship, but whose permanent support they could only purchase by such sacrifices as they themselves would shrink from consenting to. He had no objection to the length of the proposed adjournment; it would ena-

ble the ministers calmly to prepare, and mature their measures and plans, and would afford to the Members of the House, a welcome opportunity to relax from their past, and prepare for their future labours.

Mr. *Charles Buller*, not seeing any of the late law officers of the crown present, begged to ask the right hon. gentleman opposite, if it was the intention of the Members of the late Government to go forward after the recess with an important bill they had introduced—he meant the Ecclesiastical Courts' Bill.

Sir *Henry Hardinge* said, that the very reason which the hon. Member had given for asking him the question—namely, the absence of the late law officers of the Crown—prevented him, from being able to answer the question.

The Motion for Adjournment carried.

IRISH CHURCH.] Mr. *Sheil* gave notice, that on the first day, on going into Committee of Supply, he would, move a resolution to this effect,—that no person who should hereafter be appointed to, and enter upon, an Ecclesiastical benefice in Ireland, shall be deemed to have a vested interest in it, entitling him to compensation in the event of its being suppressed.

Sir *R. Inglis* would also beg to give notice, that on the hon. member's making that motion, he (Sir *R. Inglis*) would move that the oath which the hon. Member had taken should be read.

Adjourned till Tuesday, the 12th of May.

MAY 12.

THE two Houses of Parliament re-assembled this Day pursuant to the Adjournment for the Easter Holidays. Prior to the Adjournment, the Ministry of Sir Robert Peel had resigned, and another Ministry had been formed under Viscount Melbourne; and the vacation was made unusually long in order to give time to the New Ministry to complete its arrangements. The following is a List of the New Ministry:—

THE CABINET.

First Lord of the Treasury	- - - -	Viscount MELBOURNE.
President of the Council	- - - -	The Marquess of LANSDOWNE.
First Lord of the Admiralty	- - - -	Lord AUCKLAND.
Chancellor of the Duchy of Lancaster	- - - -	Lord HOLLAND.
Woods, Works, and Privy Seal	- - - -	Viscount DUNCANNON.
Home Secretary	- - - -	Lord JOHN RUSSELL.
Foreign Secretary	- - - -	Viscount PALMERSTON.
Colonial Secretary	- - - -	{ Mr. CHARLES GRANT (created Lord GLENELG).

President of the Board of Control	- -	Sir JOHN CAM HOBBHOUSE.
Secretary-at-War	- - - -	Viscount HOWICK.
President of the Board of Trade	- - -	Mr. POULETT THOMSON.
Chancellor of the Exchequer	- - -	Mr. SPRING RICE.

NOT OF THE CABINET.

The Seals in Commission		
Speaker of the House of Lords	- - -	Lord DENMAN.
Lord-Lieutenant of Ireland	- - -	Earl MULGRAVE.
Lord-Chancellor of Ireland	- - -	Lord PLUNKETT.
Chief Secretary for Ireland	- - -	Viscount MORPETH.
Postmaster-General	- - -	Marquess CONYNGBAM.
Lord Chamberlain	- - -	Marquess WELLESLEY.
Lord Steward	- - -	Duke of ARGYLE.
Master of the Horse	- - -	Earl of ALBEMARLE.
Paymaster-General and Treasurer of the Navy	- - -	Sir HENRY PARNELL.
Vice-President of the Board of Trade, and Master of the Mint	- - -	Mr. LABOUCHERE.
Lords of the Treasury	- - -	{ Lord SEYMOUR. Mr. ROBERT STEUART. Mr. WILLIAM ORD. Mr. MORE O'FERALL; Lord DALMENY.
Lords of the Admiralty	- - -	{ Sir WILLIAM PARKER. Hon. Captain ELLIOT. Sir THOMAS TROUBRIDGE, Bart.
Joint Secretaries of the Treasury	- -	{ Mr. BARING. Mr. STANLEY.
Secretary of the Admiralty	- - -	Mr. CHARLES WOOD.
Secretaries of the Board of Control	- -	{ Mr. ROBERT GORDON. Mr. VERNON SMITH.
Judge Advocate-General	- - -	Mr. R. C. FERGUSON.
Clerk of the Ordnance	- - -	Colonel LEITH HAY.
Surveyor-General of Ordnance	- - -	Sir RUFANE DONKIN.
Under-Secretary of the Home Department		Hon. FOX MAULE.
Under-Secretary of the Colonies	- -	Sir GEORGE GREY.
Attorney-General	- - -	Sir JOHN CAMPBELL.
Solicitor-General	- - -	Mr. ROLFE.
Lord-Advocate for Scotland	- - -	Mr. MURRAY.
Solicitor-General for Scotland	- - -	Mr. CUNINGHAME.
Attorney-General for Ireland	- - -	Mr. PERRIN.
Solicitor-General for Ireland	- - -	Mr. O'LOUGHLIN.

On the meeting of Parliament, there was no Secretary of State in the House of Commons; Mr. Charles Grant (Lord Glenelg) had been called to the House of Peers, Lord John Russell was defeated in a contest for Devonshire, and Viscount Palmerston defeated at the General Election in a contest for Hampshire, had not sat in this Parliament. In the course of a few days after the meeting of Parliament, Lord John Russell was elected for Stroud (Gloucestershire), and Viscount Palmerston for Tiverton.

HOUSE OF LORDS,

Tuesday, May 12, 1835.

MINUTES.] Petitions presented. By the Duke of GORDON, the Earl of ROSEBERRY, the Earl of GALLOWAY, the Earl of HADDINGTON, Viscount MELVILLE, the Duke of SUTHERLAND, the Earl of CAWDOR, the Earl of ROSSLYN, and the Marquess of BUTE, from a Number of Synods, Presbyteries and Parishes in Scotland,—for Additional Church Accommodation (Scotland).—By the Earl of ROSEBERRY, from several successive Congregations, and from some Parishes,—against any Grant of Money to the Church (Scotland).—By the Duke of GORDON, from the Inhabitants of the Vale of Leith, to Share in any Grant for Education.—By the Duke of RICHMOND, from Clenard (Ireland) for Protection to the Protestant Church (Ireland).—By the Duke of GRAFTON, from Licensed Spirit Dealers of Thetford, for the Repeal of the Additional Duty on Spirit Licences.

PRISON DISCIPLINE.] The Duke of Richmond presented the first Report of the Committee, of which he had the honour to be a Member, on the subject of Prison Discipline. The Committee had not yet brought their labours to a close, but they presented this first result of their labours, and begged to draw the attention of the House to some subjects well deserving consideration. Some prisons in this country were, in their opinion, in an improved state; but they thought that the prisons of Newgate, Giltspur-street, and the Borough Compter, were in a state that must tend to corrupt those who were imprisoned in them, and were much more likely to increase than diminish the amount of crime. The Committee had adopted six resolutions. The first was, that it was expedient that one uniform system of prison discipline be established in every gaol and house of correction in England and Wales; the second, that, for the sake of securing uniformity of discipline, it is expedient that the rules and regulations of the gaols shall in future be submitted to the Secretary of State for his approval, instead of, as at present, to the judges of assize; the third, that inspectors of prisons be appointed to visit the prisons from time to time, and to Report to the Secretary of State; the fourth, that entire separation, except during the hours of labour and of religious worship and instruction, is absolutely necessary for preventing contamination, and for securing a proper system of prison discipline; the fifth, that silence be enforced, so as to prevent all communication between prisoners both before and after trial; the sixth, that persons whose trials have been postponed, or who, having been tried, have been acquitted on the ground of insanity, shall not be confined in the gaols

or houses of correction. The Committee expressed their regret that the words of the resolution under which they were appointed were of too limited a nature, and they proposed that instead of their inquiry being confined to England and Wales, it should be extended to Scotland. They promised to lose no time in the prosecution of the several branches of inquiry. When the Report and evidence should have been printed and distributed, he should take an early opportunity of calling the attention of the House to this important subject. He now moved, that the Report be received and be printed, that the powers of the Committee in their inquiry should be extended to Scotland, and that an Address should be presented to his Majesty praying for copies of the Returns relative to borough and city gaols made under the 5th Geo. 4th, c. 84. Motions agreed to.

COMMISSIONERS OF PUBLIC INSTRUCTION (IRELAND.)] Viscount Duncannon asked when the right reverend Prelate (the Bishop of Exeter) would present the petition of which he had given notice relative to the charges against some of the Irish Commissioners of Public Instruction?

The Bishop of Exeter answered, that it was not his intention to present the petition alluded to until Government laid before their Lordships the Report of the Commissioners of Public Instruction. He had hoped that a Report from that Commission would have been made by this time, and as he did not think that the Report of the Commissioners could be much longer delayed, he should abstain at present from bringing the subject before their Lordships. Having waited so long, it seemed to him that more justice would be done to the case by waiting a little longer for the production of the Report of the Commissioners.

Viscount Duncannon said, that the two Commissioners were now in this country, and he hoped that no delay would occur in bringing the matter forward. The Commissioners were most anxious to meet the charges, so that he hoped they would be brought forward at once without reference to the Report which he could not think affected them.

The Bishop of Exeter said, that the noble Lord must forgive him if he did not assent to the last statement. The charges he had to bring forward had much to do

with the Report. The conduct of the Commissioners in executing the Commission was in question, and it was exceedingly proper to see what their conduct had been at the time, and how it had been followed up by the Report. Adhering to the course which he thought was most important to justice, he should wait till the Report was presented before he brought forward the charges.

Viscount *Duncannon* remarked, that the Report could not affect the case, for the charge was only against two of the Commissioners, with reference to five parishes, and above seven hundred parishes had been examined into.

The Bishop of *Exeter* was confident in the propriety of the course he had determined to pursue. The Report was promised to be presented at an early day, and when that was done he should bring forward the complaint.

CENTRAL CRIMINAL COURT.] Lord *Brougham* said, that it was desirable to correct an error that had got abroad on the subject of the Central Criminal Court. It was stated in the Report just presented, that the learned Judges had tried but a small proportion of the cases of crime; and it was further said, that the City Officer had tried the majority of the cases. He moved for a return of the number and description of the cases tried, with the judgments pronounced in each, during the six months ending on the 5th of April last, and during the corresponding six months in the years 1830, 1831, 1832, 1833, and 1834.

The Duke of *Richmond* said, that there was no charge against the Judges in the Report.

Lord *Brougham* admitted, that there was not; that was the thing he complained of. Such things were always done in an indefinite sort of a manner, but the insinuation was conveyed, though any one who was acquainted with the matter knew that the Judges always tried the graver class of cases, those that required the fullest degree of consideration.

Agreed to.

LONDON UNIVERSITY.] Lord *Brougham* said, that as he saw his noble Friend the President of the Council in his place, he should put a question on the subject of the London University. Their Lordships were aware that a vote had been come to

in the other House of Parliament pending a proceeding in the Privy Council, showing the strong feelings of that House on the subject of the grant of a charter to the London University. That vote was followed up by an Address to the Crown, praying for the grant of a charter. The answer given was, that the matter had been referred by his Majesty to the Privy Council—that it had been heard before them, but that that body had not come to any decision, and had not yet advised the Crown on the subject. That was the substance of the answer; but it was also stated, that when the advice of the Privy Council had been given, the earliest opportunity would be taken to lay it before the House of Commons. Nothing had yet been laid before the House of Commons; and their Lordships were aware that when he had before asked a question on this subject, he had stated that in the week when the Government of which he had formed part left office, he was in correspondence with some Members of the Privy Council who had heard the case argued, in order to call them together, that they might make up their minds on the subject, and give in their report. What he now asked was, whether any steps had since been taken, or would soon be taken, for carrying into effect the intention of the former Government as to the assembling of the Privy Council.

The Marquess of *Lansdowne* said, that his noble and learned Friend was well aware that no step had been taken by the late Government on the subject, for the question was put to them at a late period, and just before the change in the Administration. No step had yet been taken by the present Administration, for their Lordships must be aware that some of the Ministers, whose attention would most naturally be directed to this important subject, had been so occupied elsewhere, that it was impossible they should have been able to take it into consideration. Due regard, however, would now be paid to it and to the important Address of the House of Commons, and his noble and learned Friend might be assured that no time would be unnecessarily lost. At the same time he ought to mention, that one other petition had been presented on the subject since the time when the question had been last put in this House.

Lord *Brougham* said, that the answer was satisfactory so far as the noble Mar-

guess stated that no unnecessary delay would take place, but it was an inadvertence of his noble Friend to say that any delay whatever was necessary on account of the absence of the noble Secretary for the Home Department; for that noble Lord was not necessarily called on to give his opinion on the subject, since he had not heard the argument. The noble Lord, however, might be expected to be consulted, not as a judge in a judicial proceeding, but as an adviser of the Crown. The House of Commons, the great adviser of the nation, had already given its advice with respect to the recent petition of the King's College; it was clear that that body could not be affected by the grant of a charter, and had no right to petition on the subject. The other body, the London University, did not object to a charter being granted to the King's College. On the contrary, they would be glad to see such a charter granted, and he had authority to say, that so far from opposing, they should rejoice at it.

BREACH OF NAVAL DISCIPLINE.]

Lord *Brougham* said, that seeing the First Lord of the Admiralty in his place, he begged leave to ask him a question on a subject which had given him very considerable surprise, and which he believed had excited much astonishment in the public mind. He alluded to a very great outrage said to have been committed by a captain in the navy in respect to a gentleman who was a passenger on board his ship, then on the Mediterranean station. Nothing was imputed to this individual beyond bad temper; that bad temper, however, it was alleged, had caused him to act improperly, but nevertheless no court-martial was held on him. Now, when he recollected that Lord Brudenell, one of the most gallant and deserving officers in his Majesty's service, was by the sentence of a court-martial dismissed from that service, to which he was an ornament, and to which his whole heart and soul and life had been devoted, it did appear to him (as in this case the complaint likewise arose from some infirmity of temper) that it was extraordinary why the same course was not pursued in the one instance as in the other. Why, he asked, was not a court-martial held in the one case as well as in the other? If the facts were not true—if the rumours were founded on fiction—he should be greatly delighted to find it so;

but if they were true, then that inquiry should take place which would take place in the case of an ordinary captain, who was not protected by powerful friends, on the principle of strict impartiality.

Lord *Auckland* had received no clear and distinct knowledge of the circumstances referred to, and which were said to have occurred on the Mediterranean station. The whole of the case, as he had heard it, rested on vague rumours and newspaper reports; he would say that it rested on the most vague grounds imaginable. If the circumstances were brought before him in a more regular and a more tangible shape, he should consider it to be his duty to act upon the advice of those with whom he should feel it necessary to consult.

Lord *Brougham* said, the statement of the noble Lord gave him great satisfaction, so far as it went. It was a sort of confirmation of the truth of that which he suspected—namely, that there was no real foundation for these rumours. Still he thought that the noble Lord ought to direct inquiries to be made in the proper quarter on this subject; because, whether these rumours were well founded or not, they were very prevalent out of doors, and the mere negation of proof in that House, and their Lordships' disbelief of them, would not lead the country in general to discredit them.

Viscount *Melville* said, the transaction alluded to had occurred on the Mediterranean station, where a flag officer commanded. The person, therefore, who felt himself aggrieved had a right to apply for redress to the Admiral in command, and to call on him to summon a court-martial to investigate the case. The Admiralty could not, in the first instance, take the matter up. The matter was in the hands of the flag-officer.

Lord *Brougham* said, that doubtless the course pointed out by the noble Viscount was the proper one; but that course not having been pursued, he conceived that the Admiralty ought to have instituted an inquiry.

Viscount *Beresford* expressed his surprise that this subject should have been brought forward by an individual who, he believed, was totally uninterested in the proceeding referred to. He knew both the parties very intimately, and he knew that they were now perfectly satisfied with each other. The matter was solely of a private nature, and he never before heard

of a third person coming forward (in the name of whom he did not know, and on behalf of whom he could not tell) and interfering in a case of this kind. The whole affair had been amicably and cordially settled, and he knew not on what principle the noble and learned Lord got up in his place and intermeddled with it.

Lord *Brougham* could not but observe, when the noble Viscount spoke, of his intermeddling in this case, that it was the first time he had ever heard that a Legislator, speaking of a public officer employed on the public service, interfered improperly when he alluded to a breach of public duty by that officer. The noble Viscount had told their Lordships that both the parties were perfectly satisfied. Precisely the same thing was asserted some years ago, when the case of a seaman was brought before the House of Commons, first by Sir Francis Burdett, and afterwards by Mr. Whitbread. But when at length an inquiry was set on foot, it turned out that one of the parties was not satisfied. The noble Viscount then had a long lesson in Parliament to learn, if he thought that this was the first time when a matter of this description was thus introduced to the Legislature. Here was a captain in his Majesty's navy, who, it was asserted, had used his power for the gratification of private spleen against an individual. This was not a private Question, it was one of a positive public character, requiring, nay, demanding public cognizance, by the people's Representatives in the House of Commons, or by their Lordships, representing themselves in that House. It was the doctrine and the practice of the constitution. The noble Viscount might sneer at the idea of the constitution; but whatever constitution he might have been at the birth of, or at the death of, elsewhere, he would tell the noble Viscount, that the constitution of England called imperatively on both Houses of Parliament to keep a watchful eye on the two services—that of the army and that of the navy. Let it not, therefore, be said that the public breach of a public duty by a public officer was a matter of a private nature.

Viscount *Beresford* had not sneered at the mention of the constitution. He denied the accusation. The noble and learned Lord had no authority for making it. He had not given the noble and learned Lord any reason for making such an ob-

servation. He would repeat, that this was a private concern—a private dispute—if it were any thing at all. Two gentlemen, it appeared, had a misunderstanding. One of them was neither a sailor nor soldier on board, but a passenger. He knew not, therefore, how the thing could be taken up by the Admiralty. Of this, however, he was certain—that, whatever it was that occurred, it had been perfectly, and fully, and satisfactorily settled, with reference to all the parties. Therefore, he must say, notwithstanding the constitutional right for which the noble and learned Lord contended, that he could not see what the object of the noble and learned Lord was in bringing before the House the private quarrels of two gentlemen.

The Marquess of *Salisbury* said, that there was one other point connected with this matter which he must notice, and that was the want of common courtesy in the noble and learned Lord. It was always the custom in that House when any noble Lord was about to bring forward a matter relating to any one who was connected with any other Member of that House, to give such Member notice of the matter, that he might take the opportunity of being in his place, and giving the House proper information, or affording an explanation of the matter. The noble and learned Lord had quite forgotten this common rule of courtesy, or the individuals most nearly connected with the noble Lord, whose conduct had been thus attacked would have been in their places to meet the attack.

Lord *Brougham* denied that he had made an attack upon any person.

Lord *Colville* hoped that their Lordships would draw no such inference from newspaper reports as the noble and learned Lord appeared to have done. He was convinced that the noble and gallant officer to whom allusion had been made, and whom he well knew, would himself have called for a court of inquiry, if he conceived that his conduct demanded it. He would not have left it to Members of that, or of the other House to have investigated the case, if he had felt that there was any ground or necessity for inquiry. He would have at once applied to the Admiral on the station for a court of inquiry. With respect to the allusion which had been made by the noble and learned Lord to the case of a seaman, which had been taken up by the House of Commons (and which, he believed, was a weak case

after all), that seaman was not in his Majesty's service when the matter complained of occurred, and therefore he had applied to a Member of Parliament. In the present instance, the officer alluded to, was serving under the immediate orders of the Admiral commanding on the station, to whom, if redress were wanted, application should have been made. He begged pardon for occupying their Lordship's time, but he could not sit quiet in that House and hear an officer in his Majesty's service traduced as the noble and gallant officer alluded to had been traduced by the noble and learned Lord.

Lord *Brougham* said, that in answer to the extraordinary observations of the noble Lord, who had accused him of traducing an officer in his Majesty's service, he would ask whether there was any impropriety in noticing a rumour which was in every man's mouth? This subject was a matter of general conversation whenever the Mediterranean fleet was mentioned. Fifty times had he been asked why the matter had not been taken up in that or in the other House of Parliament? He had answered, that he did not know, but that he thought, if Government were interrogated about it, they would be able to give a satisfactory answer. Now, he would say, that the answer which had been given was satisfactory as to the Government, but it was not satisfactory with reference to the Admiral on the station, or to the officer in question. That House or the other House, was bound to inquire, when an officer did not appear to have done his duty, whether an investigation had taken place by the proper authorities; and, if such an investigation were made, they should know what was the reason that prevented the individual against whom complaint had been made, from being brought to a court-martial.

Lord *Colchester* did not rise to find fault with the noble and learned Lord, for making the first inquiry on this subject, but for the observations he had since made upon it. It appeared to him that the way in which the noble and learned Lord had acted, was an attempt to cast a reflection on the conduct of a noble and gallant officer. If the noble and gallant Lord who commanded, had been guilty of conduct derogatory to the character of an officer and a gentleman, he could not but think that the gentleman who had suffered from it, would have taken some step to

vindicate himself. He would have applied to the Government or to some Member of either House of Parliament. He had, however, extended his forgiveness to the noble Lord, if any forgiveness was required. and would the noble and learned Lord destroy the amicable termination of the matter? He did not question the right to make the inquiry, but he thought that in this case inquiry was unnecessary.

Lord *Brougham* said, his objection was to the alleged conduct of a public officer, and had nothing to do with the injury inflicted on the individual, and all consideration of which such individual had a right, if he pleased, to wave from private or personal feelings. His objection was directed to a breach of discipline, by an officer of his Majesty's navy, in having used, for purposes of private vengeance (and he cared not whether the party aggrieved had forgiven that officer or not), those powers which had been intrusted to him for other and very different ends. His objection was, that an officer had commanded his men to do an act which had no connexion whatever with the discharge of his public duty.

Lord *Colchester*: The noble and learned Lord states positively that this officer committed a breach of discipline, but where is his proof.

Lord *Brougham*: I expressly stated that I wished there might be found no shadow of foundation for these rumours, but I was desirous to know the truth.

The Duke of *Buccleugh* did not wish to prolong this conversation, but he was anxious to state, on the authority of a person who was on board the vessel at the time, that there was nothing in the case that could warrant the rumours and reports which had been circulated. He knew not how those reports had originated, but he was satisfied that there was nothing in the conduct of the noble and gallant officer to call for the interference of the Admiralty. In justice to the noble and gallant officer he deemed it necessary to make this statement.

HOUSE OF COMMONS,

Tuesday, May 12, 1835.

MINUTES.] New Writs ordered. For Stroud, in the room of Colonel Fox, who accepted the Chiltern Hundreds; for the County of Kildare, in the room of RICHARD MORE O'FERRALL, Esq., appointed one of the Lords of the Treasury; for the Southern Division of the County of Stafford, in the room of the Right Hon. E. J. LITTLETON, (called to the House of Peers as LORD HATHERTON); for Malton,

in the room of Sir CHARLES PEPPYS, the Chief Lord Commissioner of the Great Seal; and for Poole, in the room of Sir JOHN BYNG, (called to the House of Peers as Baron STRAFFORD).

Petitions presented. By Mr. OSWALD, Dr. BOWRING, Lord STANLEY, Mr. ALSAGER, and Mr. W. CAMPBELL, from a Number of Congregations and Places in Scotland,—against any Grant to the Church of Scotland.—By Dr. BOWRING, from Kilmarnock, in favour of such a Grant.—By Mr. OSWALD, from Glasgow, to remove the (late) Ministers from Office.—By Lord STANLEY and Mr. W. CAMPBELL, from Southampton, Gosport, Lorn, and other Places,—for Protection to the Church of Ireland.—By Lord STANLEY, from Glasgow, in favour of General Education; and from the University of Glasgow, for a Reformation of the Scotch Universities.—By Sir HEDWORTH WILLIAMSON, from North Durham, for Relief to Agriculture.—By Mr. PEASE and Mr. WEYLAND, from Licensed Victuallers of Wallington, Darlington, Dover, and other Places, for the Repeal of the Additional Duty on Spirit Licenses.—By Mr. BLACKBURN, from Huddersfield, against the Abolition of Imprisonment for Debt Bill.—By Mr. DOBBIN, from Solicitors of Southampton, against the Ecclesiastical Courts' Bill.—By Mr. J. E. VIVIAN, for restraining the Application of Oaths.

UNIVERSITIES (SCOTLAND).] Mr. *Hume* wished, on the Petition from Glasgow for a Reform of the Scotch Universities, to put a question to the right hon. Baronet below him (Sir R. Peel), and also to the right hon. Gentleman opposite. A commission was issued by a former Government, of which the right hon. Baronet was a member, to inquire into the state of the Universities in Scotland. The Report of that Commission had been lying on the Table for five or six years, and, to the great regret of the people of Scotland, no notice had been taken of it by any Government during that period. He wished to know if any measure had been taken by the late Government with which the House was not acquainted on the subject, and if it were, the intention of right hon. Gentlemen opposite to bring it under discussion?

Sir *Robert Peel* said, that the late Government had adopted no measure on the subject referred to. They had however, proceeded to take the Report of the Commissioners into consideration, and they had intended in a great degree to adopt their suggestions. It would be necessary, however that some assistance should be provided by the Legislature towards effecting the proposed improvement.

Mr. *Hume* hoped, that the right hon. Gentleman opposite would follow up what had been done by the late Government in the matter.

POOR LAWS.] Mr. *Cobbett* presented Petitions from High Wycombe, and another place for the repeal of the Poor Law Bill. Referring to the statement contained in one of those petitions, he said that it

VOL. XXVII. {Third Series}

was true that the landed aristocracy of England had made encroachments on the rights of the people, and that he should be glad that, by an act of Parliament, the rights of the people should be restored to them, rather than by their own act, but if not by an act of Parliament, he wished to see them regain those rights by their own act. The hon. Member then presented a petition from the inhabitants of Hounslow, praying for a repeal of the Poor Law Amendment Act. The petitioners set forth several instances of barbarous and cruel treatment of poor persons under the operations of this Bill, and adverted to the results of several coroners' inquests in the neighbourhood of London held upon the bodies of infants, and in which it had been determined that child murder had been the consequence of that measure. The hon. Member then adverted to the situation of a parish in Sussex, and censured the conduct of the Duke of Richmond who had induced a parish of Sussex to expend 2,000*l.* upon additions to the poor-house, one of the avowed objects being to put an end to the horrible system of bastardy. The noble Duke seemed to forget that he was himself sprung from a bastard, and that he was only noble because he had sprung from a bastard.

The *Speaker* was understood to say that such observations were not consistent with the decorum usually observed in debate.

Mr. *Cobbett* said, if he had trespassed upon decorum, he hoped that this was a case where it might be excused. If he had so offended in any matter relating to himself, the insult would have been unpardonable. Reverting to the Poor Law Act, he charged the House with having adopted its monstrous provisions without inquiry or consideration. He had also petitions of the same kind from Yarmouth; but notwithstanding the circumstances were pressing, he feared he should not be able to bring forward the motion, of which he had given notice for the day after to-morrow.

Major *Beaulever* wished to repeat a question he had before put to the hon. and learned Attorney-General. A question had arisen as to the power of the guardians of the poor, to separate in their work-houses the husband from the wife, and when he had before alleged that such power was given by the Poor Law Act, he had been contradicted by the hon. and learned Member for Bath. He now wished

to know from his Majesty's Attorney General whether or not such power was conferred by the provisions of the act?

The *Attorney-General* said it was impossible for him to give a correct answer to such a question without notice.

Mr. *Hume* said, that he, in common with every man in the House, most deeply deplored such occurrences as had taken place under the operation of the Poor Law Act, but as the hon. Member for Oldham had given notice of a day on which he would submit a motion with reference to the repeal of that measure, it was scarcely fair to prejudge, and condemn it on the incidental presentation of a petition. He (Mr. *Hume*) was as anxious as any man that the suffering portion of the poorer classes of the community should be relieved, and it was with that view that he had supported that Bill. He must repeat his dissent from prejudging a measure without discussion, but he would venture to state (from what had already been submitted to him) that proof would be afforded to the House, that the operation of the Bill wherever its provisions had been carried into effect had been beneficial; he therefore did hope, for the present at least, that neither the hon. Member for Oldham, nor any other person, would call it a barbarous Bill.

The *Chancellor of the Exchequer* inquired whether it was the intention of the hon. Member for Oldham, to bring forward the Question of the repeal of the Poor Law Act? If the hon. Member did mean to do so, and fairly to take the opinion of the House upon it, he ought to refrain from any observations in deterioration of the measure on the presentation of a petition, an occasion upon which it was impossible the opinion of the House could be fairly taken on such a subject. He must say, it was not quite decorous so to treat an important Question, but he should not have troubled the House with any observation, except to guard against the possibility of his silence, and that of the Government, being construed into an acquiescence in the charge which had been made against the measure.

Mr. *Cobbett* said, that he had given notice of his intention to move for the repeal of the Poor Law Bill for Thursday next. He should, however, defer it until the Government had some chance of being more firmly settled than they were at present, and he therefore now gave notice

that on Thursday, the 2nd of July, he should move for the repeal of the "cursed" Poor Law Act.

COMMISSIONS TO CANADA.] Mr. *Hume*: I rise to ask the hon. Baronet opposite when the noble Lord who has been appointed to go to Canada is to proceed thither, and how far measures have been taken for the settlement of the differences in Lower Canada.

Sir *George Grey*: I have to inform the hon. Member for Middlesex that the first subject which occupied the attention of the present Government, after accepting office, was the condition of Canada, and the interest regarding it was increased by the arrival of dispatches, a few days after the appointment of the Ministry, which did not give a more favourable representation of the state of affairs, but rather the contrary. The Cabinet took into its view the instructions proposed to be given by Lord Aberdeen to Lord Amherst, the intended Commissioner, but it was thought, in the first place, that the personal position of Lord Aylmer with relation to the House of Assembly was such, without prejudging the question, and not indeed having sufficient information to enable them to decide upon it, that it would oppose a barrier to the settlement of the matters in dispute. This barrier would exist, whether Lord Aylmer continued Governor, or resumed that office after the departure of Lord Amherst. The Crown was, therefore, advised to remove Lord Aylmer; and then arose the question upon the Commission—whether the object in view could best be attained by the appointment of one Commissioner or of several—whether it would not be fit that some assistance should be afforded to Lord Amherst—and whether one or more Commissioners could not be advantageously employed in inquiring into the state of the provinces, and in reporting to the Chief Commissioner. Ministers decided that the latter would be the better course for obtaining satisfactory information for the speedy and final settlement of the points in dispute. Having arrived at this conclusion, they invited Lord Amherst to become the head of the Commission, thinking that his appointment would tend greatly to the advantage of the public service; but his Lordship, feeling that the investigation would occupy a larger portion of time than was originally con-

templated, declined the offer. The noble Lord now at the head of the Colonial Department is, therefore, proceeding with his duty in filling up the appointments in such a manner as, it is hoped, will best accomplish the purpose in view, by a full and impartial investigation of the whole of the differences now distracting the colony.

COMMISSION OF THE GREAT SEAL.]

Mr. *Harvey* put three questions to the right hon. Gentleman on the Treasury Bench. First, whether it was intended that the present Commission of the Great Seal should be permanent? Second, if permanent, whether the present Learned persons were to be the Commissioners? Third, whether they were to receive any salaries?

The *Chancellor of the Exchequer*: I do not mean to complain that the hon. Member has not given notice of his intention to put these questions, but merely to account for any degree of unsatisfactoriness in my replies. I can have no other objection to answering him, but I will endeavour to do so explicitly. First—it is not intended that the appointments of the Commissioners should be permanent; the placing of the Great Seal in the hands of Commissioners itself appears to imply that it is only a provisional arrangement, although in some instances it has been continued for a considerable period. This answer involves the second question; if the appointments are not to be permanent, of course the present individuals cannot continue to hold the offices they at present fill. As to the third question, I have yet had no papers before me at the Treasury, to enable me to state distinctly what will be done. The Learned individuals have been charged with new duties, but unquestionably there will be no additional burden thrown upon the public. It is a subject for consideration how far fresh responsibilities require increased emoluments, and it is possible some part of the salary of Lord Chancellor may be so applied; but the point has not yet been brought under the notice of the Treasury. I should, perhaps, have been better informed had the hon. Member given me notice that he intended to put these questions.

Mr. *Harvey*: I beg to add that it was not at all my wish to embarrass the Government by putting these questions. If I found it was intended that the present

Commissioners should hold the Great Seal for any period that could not be strictly called short, I should feel it my duty to bring the subject under the consideration of the House.

NAVIGATION OF THE SHANNON.]

The *Earl of Kerry*, after a few prefatory observations, moved, pursuant to his notice, “that an humble address be presented to his Majesty, praying that he would be graciously pleased to give directions to the Irish Government to take such steps without delay as would appear to them advisable for the purpose of carrying into effect the measures recommended in the report of the Select Committee, appointed during the last session of Parliament to inquire into the state of the Navigation of the river Shannon.”

Lord *Sandon* was understood to express a hope that the Government would carefully consider the various reports which had been made on this subject before they did anything in the matter.

Sir *Frederick Trench* supported the motion, contending that the improvement of the navigation of the Shannon would introduce the arts of civilized life among the Irish, and open a new market for manufactures, would be of more importance to Ireland than whole volumes of legislation.

Mr. *William Smith O'Brien* said, that as Representative of a county which was particularly interested in the navigation of the Shannon, he felt it his duty to bear his testimony as well to the great capabilities of that noble river, as to its present neglected condition. At present all trade between Limerick and the Upper Shannon, stopped at Athlone, although, at a trifling expense, more than 140 miles of navigation above Limerick might be rendered available to the purposes of trade; and it was in evidence that the inhabitants residing upon the banks of Lough Allen would be able, if the navigation of the river were opened, to procure all the commodities required for their consumption, such as timber, iron-plate, &c., at a cheaper rate from Limerick than they were now able to obtain elsewhere. He was rejoiced to hear, that the Government intended to take up this great national improvement. This boon to Ireland was an auspicious commencement of their ministerial undertakings; but he hoped that they would not confine their attention merely to the improvement of the

main channel of the river, as they could not do justice to the capabilities of the Shannon, nor fully develop the resources of that district of Ireland through which it passed, unless they opened lateral communications to the river by the improvement of the numerous tributaries which flow into it, and at the same time constructed piers and landing-places for the accommodation of vessels. He hoped that the Government would place the care of the whole river in the hands of one responsible Board, and invest this board by Act of Parliament with the necessary powers for carrying the required improvements into effect, and for raising such tolls as it should be thought the commerce could bear without inconvenience. He was convinced that the counties adjoining the Shannon, which derived the principal benefit from the contemplated improvements, would not object to bear a certain proportion of the expense; and he was not satisfied, that although there might not be an immediate and direct return in the way of tolls sufficient to repay at once the expense of the undertaking, yet, provided the works were judiciously and economically conducted, the public would be amply repaid for any advance which might be called for by the indirect return in the way of an increase to the revenue which had always been found to arise from useful public works in Ireland. This country would also be repaid in the increased consumption of its manufactures; and it would have the satisfaction of knowing that it was the means of affording employment to an industrious and unemployed population—of producing that degree of tranquillity and subordination which is always found to accompany the employment of the people—of introducing habits of improved civilization into the heart of a neglected country, and, to use the happy expression which had been attributed to the present Chancellor of the Exchequer, of opening a mine of national wealth whose treasures had been hitherto unexplored.

Mr. *Ewart* said, that his constituents and himself were justified in the support of the proposition. The importation of Irish corn, to which this plan would give increased facilities, was of great advantage to the consumer, inasmuch as it reduced the price in the market of the English corn. He gave the motion his most cordial support, under the conviction

that it would be at once a boon to England and to Ireland.

The *Chancellor of the Exchequer* had been favourable to the proposition when out of office, and should not oppose it now that he was in the service of the Crown. He, however, thought that the motion might in its terms be amended, so as to be more consistent with the views of the Legislature. The motion in its present shape implied a grant of money, and therefore ought properly only to be made after the consent of the Crown had been obtained. The object might also be better defined, leaving it more generally to the Government to interfere. He suggested to his noble Friend the propriety of allowing his motion to be amended in such a way as would not pledge the house to a grant of money, but would leave the question open, to be brought forward by the Government in pursuance of the reports on the subject, the right hon. Gentleman concluded by moving an amendment to that effect.

Mr. *Fitzstephen French* said, I regret, Sir, that what has fallen from the right hon. the Chancellor of the Exchequer renders it necessary for me to trespass on the House. Under ordinary circumstances, and in an ordinary case, I might have allowed the amendment that my right hon. Friend has proposed, to pass without a remark, but I feel the improvement of the river Shannon is a subject too important to be passed over with a vague resolution such as this. The interest of the United Kingdom demands that it should no longer be trifled with; some assurance ought to be given to us of the nature of the measure to be brought forward, and a definite time ought to be named within which such measure should be laid on the Table. The House must recollect three years have elapsed since the able and comprehensive reports of Mr. Rhodes on the state of this river have been before the public; the estimates of which these reports have been founded were submitted to the Board of Works in Dublin, and were examined into by a Committee of the House last Session; their accuracy was not nor could not be questioned by them—it is distinctly shewn the entire of this great river can be made available for commercial intercourse, the uncertain time of passage from Killaloe to Lough Allen now varying from a month to six weeks, reduced to the certainty of a daily one.

The quays necessary for trade erected, in which the river is deficient to an extent scarcely credible, the necessary allocations of the old bridges, and the building of the new ones, effected for the small sum of 153,163*l.* Let Government bring forward a measure founded on those reports, and I am confident the House, always so liberal in measures of real utility, will not refuse their assistance. Centuries ago, when a King of England threatened to remove the seat of Government to Oxford, the reply of the Londoners was—his Majesty could not take away the river Thames. True, you cannot take away the river Shannon, but you can, by refusing your assistance, deprive us of its advantages. Is it your object so to do? Is it the interest of England so to do? Are not the two countries so identified that you cannot depress the one without injuring the other? I consider Government are bound to remedy the evils which have resulted to the country from what I will term the negligence, but what others might call, and with some foundation, the downright dereliction of duty of their predecessors, with the property of the river vested in them. The guardians of its navigation, the existing laws, have not been enforced—eel weirs and other obstructions destroying its navigation, and injuring thousands of acres of the country adjoining, have been suffered to be erected not only without opposition, but without remonstrance. The Limerick navigation, to which since the union considerable pecuniary assistance had been given—the great key of the river remained for years designedly blocked up, until the right hon. Baronet, the Member for Tamworth, during his secretaryship in Ireland, forced it to be opened. The middle Shannon, which was in 1806 given up to the grand canal company, with a grant of 54,000*l.* remains to this day with that contract unfulfilled—vessels drawing three feet water constantly grounding where they were bound to have six feet in depth at least. Mr. Williams, the enterprising and able director of the inland steam navigation company, states he found the works in this portion of the river in a state of dilapidation, the contract with Government unfulfilled, and intercourse almost impracticable. He has since, at considerable pecuniary loss, induced the company to put their works into somewhat better order; but was it not the duty of Government to have seen the con-

ditions of the contract performed, for which they gave up the navigation of so considerable a portion of the river, where the trade must be of importance, as here are situated the towns of Athlone, Banagher, and Portumna; on the upper Shannon, under their own immediate control, and to which also considerable assistance has been given, a portion of the works remain unfinished—those that have been executed, originally badly and imperfectly constructed, are daily and rapidly sinking to decay. The House may judge the care, caution, and judgment, with which the money granted for this part of the river was laid out, from the following fact:—In the specification of the contract for the canal from Battlebridge to Lough Allen, no mention was made of tow paths for the horses drawing the boats to travel on; no mention of levelling, or removing to a certain distance the stuff excavated, in its formation; the consequence was, a consequence which every practical man must have foreseen, that shortly after it was declared finished it was rendered nearly useless by the sliding in of its banks, and so has it remained to the present hour. These circumstances, I consider, give us a right to call for the assistance of Government—an assistance the more imperatively required, when we consider that without it, it is impossible to get a work of this description, or any other improvement in the inland navigation of our country effected, as it might be here by the private capital of the inhabitants. The failure, as a matter of pecuniary speculation the mismanagement of the chief works of this description already undertaken in Ireland, such as the Grand and the Royal canal, have created a prejudice in the minds of the people which can only be overcome by Government following the course pointed out by other countries, and proving by example that works of public utility can be combined with a profitable outlay of capital. I have said the works to which I have alluded failed from mismanagement, and from mismanagement alone. I think I am fully borne out in that statement. One of these canals cost upwards of 19,000*l.* a mile, the other upwards of 18,000*l.*, while the eminent engineers of the present day consider 3,000*l.* a mile would have been ample for either; the want of professional skill was so great that on the Grand canal after it was declared finished, it was found necessary to erect intermediate locks to

correct the level. Seven miles of this canal after being finished were abandoned, and a new line chosen—two miles of the royal canal cost 70,000*l.*, one quarter of a mile of the grand canal 60,000*l.* Is it a matter of surprise that works such as these did not pay? But had the outlay been judicious, had the expense been within the bounds of moderation, the return would have been ample, as the Grand canal, after the payment of all expenses, returns 300*l.* a mile; and the Royal returns 300*l.* a mile, out of which the expenses are to be deducted. In 1822, 20,000*l.* was granted for the survey of the Shannon, 40,000*l.* was before that expended on the bog reports, and after having laid out 60,000*l.* in ascertaining the practicability and expediency of these measures, are we now to hesitate in carrying them into effect? will the small sum of money which is required tempt you to defer, or, call it by its proper name, to abandon, a measure of immediate benefit to Ireland, of proportionate advantage to England? Are the sums of money already laid out to be considered as wasted in establishing an idle and useless theory—in demonstrating the truth of a proposition no rational man ever doubted; is now for the first time, when Ireland is the object, a fit of petty economy to seize on his Majesty's Ministers, an economy which did not govern them when the barren hills of Scotland, or the distant regions of Canada were in question? Is a sum of money to be refused, the benefit the nation will experience from which is not questioned, the return of which is beyond all doubt? The hon. Member for Middlesex may shake his head and intimate his doubts as to this fact, but I will ask him to look to the effects already produced in Ireland by the application of public money when judiciously expended, to the increase of revenue wherever navigation has been assisted or internal intercourse established, and till we are independent of the higher political principles which ought to govern, and which I trust do govern his mind, as a matter of pounds, shillings and pence, has not the nation been amply repaid? He has the evidence of Mr. Nimmo, that in consequence of the expenditure of 160,000*l.* in Connaught in seven years, the annual increase of the revenue was equal to the entire of that expenditure. Mr. Griffith expended 60,000*l.* in the Cork district, and the increase of the Excise and Customs was 50,000*l.* a

year. Mr. Blake tells us in four years the Excise and Customs in Galway more than doubled, indeed nearly trebled. All agree as to the moral effect on the people. Does not that improvement in their condition alone repay you? Does not an annual increase of your revenue, equal to the entire of your expenditure, repay you? But must the hon. Member struggle for his Jew's bargain, his triple interest, and three-fold usury? And is Ireland a country so to be dealt with? Compare the state of her inland navigation with that of England, or with a portion of it, equal in square miles to Ireland, and you will find the one has in canals and navigable rivers upwards of 5,000 miles, while the latter has not 500. In water communications alone there has been expended in England thirty millions, in Ireland not four. The different aspect of the two countries shows the vital importance of furnishing the means of rendering labour available—of bringing the fruits of industry to market. The hon. Member for Liverpool has properly stated that this should be considered a measure not of local but of national importance. In corroboration of his opinions he has referred to the declaration of the Liverpool merchants last Session, a body probably better qualified than any other to pronounce what would promote the interests of both countries; but independent of the opinion of the Liverpool merchants, although I consider it of great importance to have their authority on this occasion, I would ask any hon. Member who hears me, whether it would be possible to consider a measure merely one of local importance, which would add 230 miles in the main river, and 150 in its tributaries, to the navigation of a country now so deficient in that great element of national prosperity; which would open to the commerce of England a river running through the centre of Ireland, affording the advantage of 500 miles of coast; which would bring a market to the doors of the inhabitants of two millions of acres in the valley of the Shannon; which will afford to a third of the counties in Ireland a facility of disposing of their agricultural produce; which will encourage the outlay of private capital, and create amongst the people, now utterly neglected, habits of industry and civilization? No, it is not, it cannot be considered merely of local importance; nature has done her part, let man do his; let not this magnificent river

longer be permitted to remain neither contributing to the convenience, nor adding the wealth of the nation. Let the few obstructions which now impede its navigation be removed; the elements of traffic are in abundance; the busy hum of commerce will soon succeed to that dreary stillness that now marks its wide waste of water; internal intercourse will be established, and the national resources of the country will be developed; respect for the laws, peace and prosperity, will succeed to illicit distillation, discontent, and disturbance; a disturbed pauper population will be converted into an orderly and profitable class of consumers; the impulse given to our agriculture will be communicated to your manufactures; the rising prosperity of Ireland will be fostered, while the meridian greatness of England will be secured; and if it is necessary to say more, I would call on you to recollect, that all this so practical in its nature, so easy in its execution, so trifling in its expenditure, will be permanent in its result. I have now only to return thanks to the House for the attention with which they have listened to me, and to assure them, that nothing but the position in which I stand, as Representative for the county in Ireland most interested in the improvement of this river—70 miles of it border my county, 60 miles of the great tributary, the Inch, separate it from Galway, the two tributaries, the Casindoe and Boyle waters intersect it. Joined to all this, the capital is so placed that a four miles' canal would join it to Lough Ree. These circumstances and these alone have induced me to trespass on the House at the length I have done.

Sir *Robert Peel* did not understand what public object was to be gained by pressing the noble Lord's Motion, especially after the assurance on the part of the Government that they would take into consideration the reports which had been made on the subject, an assurance which ought to satisfy the supporters of the proposition. To say the least, it was unusual to address the Crown to direct the Government to do that which the Government had already undertaken to do. This would certainly be an anomalous proceeding. If an opinion was to be implied by concurring in the Motion, let the House have the papers and sufficient information before it, in order to form a correct judgment, before expressing an opinion on the subject. He thought, however, that in the

absence of the necessary information, and after the observations made by the Chancellor of the Exchequer, it would be the more prudent course to give the Government the time which they demanded to consider the subject. The report recommended that the whole subject should be taken up and considered together, and a question would arise in what proportions the districts to be benefited by the navigation ought to contribute, and what should be the amount of tolls. These points could not now be satisfactorily adjusted. If any great public good, or if an important national object connected with the pacification of Ireland, were to be attained, he would be willing to give a grant of money; but it ought to be demonstrated that the proposition came within the prescribed conditions; otherwise, if a merely local benefit were to be effected, the district interested in it should contribute to its accomplishment; or the matter might be carried into effect by private speculation, if there were a probability that the outlay would be repaid. The hon. Member for Liverpool intimated that the proprietors of land on the line of the Shannon would be enabled to undersell the English grower in the corn market, if the desired communication were effected. Now, it was too much to take money out of the pockets of the English to enable their Irish neighbours to undersell them. If the corn-growers of Ireland were to gain this advantage, it ought to be at their own expense; it was not fair to take the money for carrying the project into effect out of the pockets of those who would be injured by it.

The *Chancellor of the Exchequer* said that there would be no economical objection to the proposition, if a clear case were made out in its favour. He hoped his noble Friend would see that it was better not to hurry the Government in its proceedings, especially as he (Mr. S. Rice) was willing to take on himself the responsibility of introducing a measure founded on the reports in question.

Mr. *Lynch* thought that the noble Lord had obtained all he wanted in the promise of the right hon. Gentleman to bring forward a proposition founded on the reports after due investigation. He fully agreed with the right hon. Baronet opposite, that the proprietors on the proposed line should contribute to a plan by which they were to be benefited; but he also thought that the manufacturers of this country ought to

bear a portion of the expense, by which the introduction of their commodities into the Irish market would be facilitated.

The *Earl of Kerry* had no objection to withdraw his Motion after the assurance offered by the right hon. Chancellor of the Exchequer. At the same time he begged it to be understood that he had no wish to take a large sum from the people of this country without requiring any contribution from Ireland towards the accomplishment of the object in question.

The motion, by leave, withdrawn.

THE SLAVE TRADE.] Mr. *Fowell Buxton*, in bringing forward his promised Motion on the subject of the Slave Trade, observed, that no person who had not witnessed the atrocities of that abominable traffic could have an adequate conception of the crimes, miseries, and cruelties to which it gave rise. He requested the attention of the House to facts which he should lay before them from Parliamentary documents—facts that indicated the extent to which the Slave Trade was now carried on. He held in his hand a list of importations of slaves into the Brazils. The returns from the British Consuls from the 1st of January, 1829, to the 30th of June, 1830, a period of one year and a half, was as follows; viz.

	Slaves.	Ships.	Died on passage
Para . . .	779	6	30
Maranham .	1,252	13	89
Pernambuco .	8,079	26	308
Bahia . . .	22,202	70	768
Rio de Janeiro	81,956	200	6,912
	114,288	315	8,107

In three years and a half 150,537 slaves were introduced into Brazil through the single port of Rio de Janeiro. But this did not include the whole number deported from Africa; it only extended to the number introduced alive: we knew nothing of the amount of mortality that occurred among the slaves on their passage. In 1830 the Slave Trade had been legally abolished, notwithstanding which, however, he was sorry to say, it now proceeded with almost as much activity as ever. This he gathered from the report of the Minister of Marine to the Legislative Assembly, which was as follows:—

“Rio de Janeiro, June 17, 1833. Well known are the tricks resorted to by speculators, as sordid as they are criminal, to continue the disgraceful traffic in slaves, in spite of all the

legislative provisions and orders issued respecting it, which have been most scandalously eluded. It, therefore, appears necessary to the Government to have recourse to the most efficacious means, which are, to arm a sufficient number of small vessels to form a sort of cordon sanitaire, which may prevent the access to our shores of those swarms of Africans that are continually poured forth from ships employed in so abominable a traffic.”

Among many causes of the present extent of the Slave Trade, one was an apprehension, which he hoped was well founded, that the European Powers would soon exert themselves to put an end to the abominable traffic; another cause, which he trusted might prove ill founded, was, that it was thought the experiment recently made in the West Indies would fail, and consequently that there would be an increased demand for Brazilian sugar. Another cause of the extent of the Slave Trade was, that the Brazilian mines were worked by slaves, by means of the application of British capital. To show the extent to which the trade was carried, he might state that there sailed from the port of Havannah alone, as slavers, for the coast of Africa, in the years 1822, 1823, 1824, 1825, and 1826, 96 vessels, and from the 1st of January, 1827, to the 30th of October, 1833, 264 vessels, in a period of six years and a half. When slaves could be obtained through the means of this traffic, it became a matter of calculation whether it might not be for the advantage of the owner to work out his slave in a few years, rather than, by milder treatment, to retain his labour for a longer period. Of the slaves obtained by this mode, a number died before they could be seasoned to their new mode of life. But the greatest stage of mortality to the negroes was in what was called the Middle Passage. Of the extent of that mortality, he could give no general account that could be deemed accurate, because there were no means of obtaining any thing like authentic information upon the subject. But it fortunately happened that in the vessels captured by his Majesty's cruisers, they had the means of knowing exactly what the mortality was, and from these a conclusion might be drawn as to the amount of the mortality in general. He begged to call the attention of the House to the following instances:—

Case of the *Midas*.

“Havannah, July 17, 1829.

“The mortality on board this brig has been

dreadful; she sailed in May last with a cargo of 562 slaves from the river Bonny on the coast of Africa, and had only 400 alive at the time of detention; of these, after the surrender, a number through fright, as it is supposed, threw themselves into the sea, so as to reduce the number to 369 at the time of the captors counting them the day after the action. Unfortunately, owing to unfavourable winds and the small force of the *Monkey*, she was obliged to remain some days at anchor on the Bahama Bank with her prize, so that, by the time of her arrival in the Havannah, nine other negroes had thrown themselves overboard, notwithstanding the utmost care on the part of the captor, who had placed sentinels on the outside of the brig: 69 others also had died of the small-pox, and the other diseases which have been, owing to the confinement on board, ravaging this brig almost ever since she left Africa. After her arrival in this port (Havannah), your Lordship (Earl of Aberdeen) will perceive, from the inclosed letter of the mixed Commission to the Captain-General, that 10 more died; thus making the mortality of the negroes on board, after capture, 88, and the number given up by the captors to the Governor, to amount to 281. According to the reports of the medical men, they are still, I grieve to say, in a most dreadful state, already reduced to about 253, and those so ill and emaciated, that it has hitherto been impossible to make out the description of their persons and marks that are inserted in their certificates of emancipation."

Case of the *Fama da Cadiz*, *alias* *Nueva Diana*.

"Havannah, July 31, 1829.

"On the 22d inst. the long-expected privateer called the *Fama da Cadiz* came into port, having previously landed 300 slaves at Santa Cruz; it is said that this notorious slave trader and pirate was boarded by one of his Majesty's sloops on the coast of Africa, but liberated on account of having no slaves then actually on board; she afterwards plundered other slave vessels of about 980 slaves, and had scarcely sailed for this island with them, when the small-pox and other contagious diseases broke out, which reduced a crew of 167 to 66, and her slaves to about 300, of whom the greatest part are in so wretched a state, that her owners have been selling them as low as 100 dollars."

Case of the *Constancia*.

"Havannah, Sept. 30, 1829.

"On the 21st inst. the Spanish schooner *Constancia da Ferrer* arrived in this port in ballast, after having landed 70 slaves on the coast. She is said to have left Africa with 438 negroes, who have been reduced by the small-pox to the above small number. The mortality on board the slave vessels this year has been truly shocking."

Case of the *Ricardo*.

"Havannah, Nov. 30, 1829.

"On the 25th inst. arrived the brig *Ricardo*, D. M. Moran, master, which sailed from this

port so long ago as the 2d of October, 1828, having been blockaded by one of his Majesty's schooners in the river Bonny. It appears that after losing a great part of her crew, and a whole cargo of negroes by sickness, she was obliged to sail for this island in ballast."

But not to trouble the House with any further details upon that point, he might state at once, that the mortality on board 106 ships, condemned between the 1st of January, 1827, and the 1st of January, 1833, at Sierra Leone, was as follows:—

	Vessels.	Slaves.	Emancipated.
Spanish	34	8,322	7,426
Portuguese	28	3,671	3,287
Netherlands	8	1,573	1,381
Brazilian	36	7,596	6,143
	106	21,162	18,237
Emancipated		18,237	
		2,925	
Left at Fernando Po, ill		161	

Died between capture }
and adjudication. } 2,764

The next point to which he begged to call the attention of the House, was the crowded state of the slave vessels. Upon that point he would only mention a few cases.

State of the *Maria*.

"Havannah, Jan. 25, 1831.

"The *Maria*, being only 133 Spanish tons burden, and having on board, in addition to her slaves, forty seamen, making a total of 545 persons, gave the almost unprecedented small space of one ton for the accommodation of four souls, and the quantity of provisions, water, &c. required for their support, during a voyage probably of forty days to the Havannah."

State of the *Carolina*, captured by the *Isis*, Captain Polkinghorne.

"The effect produced upon all the gallant boarders by the miserable appearance of the slaves could only be alleviated by remembering that they were the means of their being rescued; but it was still very affecting. A vessel of only 75 Spanish tons was crammed with 350 human beings, 180 of whom were literally so stowed as to have barely sufficient height to hold themselves up when in a sitting posture. The poor creatures crowded round their deliverers, with their mouths open, and their tongues parched with thirst from want of water. They presented a perfect ghastly spectacle of human misery; ten of them died soon after. The crew of the vessel consisted of fourteen Spaniards, who were landed at Prince's Island."

He had thus proved from official documents and, not from mere private sources of information, that there had sailed from the port of Havannah alone, between the

1st of January, 1827, and 30th October, 1833, no less than 264 vessels avowedly engaged in the Slave Trade; and that into one port in Brazil not less than 150,000 slaves from the coast of Africa were reported to have arrived. In short, he had proved from the most authentic sources of information that the Slave Trade was at this moment carried on with as much activity as it had ever been since the disgraceful traffic commenced. Having established that fact, it would, he trusted, be unnecessary for him to press upon the House the necessity of taking some speedy and effective step for putting a stop to such a dreadful and disgraceful system of commerce. It would naturally be asked what step could be deemed most effective towards the abolition of this revolting trade? He (Mr. F. Buxton) would in the first place recommend that all vessels captured with slaves on board should invariably be broken up, because under the present system it was well known that every captured slaver, if her reputation as a sailer was good, was immediately bought up by those engage in the traffic, and in the course of a very few weeks was again engaged in the trade. In the next place, he would recommend that some alteration should be made with respect to the reward or remuneration of the officers of the navy engaged in the service on the coast of Africa. He thought that, considering the great hardship of the service, the officers should receive promotion in proportion to the severity and danger of the service, and that they should receive prize-money in proportion to the tonnage of the ship captured, and not in proportion to the number of slaves. Then it would become a matter of consideration as to what should be done with respect to those treaties on the subject of the Slave Trade which had been so shamefully neglected or so shamefully abused by foreign powers. Upon that part of the subject he thought there were four points to be considered; and first, he would recommend that the slave trade should be deemed piracy by all nations. Second, that there should be a right of search. Third, that that right of search should extend over the whole coast of Africa where the trade in slaves was carried on; and Fourth, that the equipment article should be enforced to this extent, that whenever a vessel was found with all the equipments necessary for carrying on the slave trade, she should be

deemed a lawful prize, even though at the time of the capture she should happen to have no slaves on board. Now it so happened that in all the treaties hitherto drawn up for the suppression of the Slave Trade one or other of these points had invariably been omitted. And therefore it appeared to him, that in lieu of the various treaties which at present existed upon the subject, and which foreign powers had so grossly neglected, it would be better that one uniform treaty should be drawn up, embracing the four points he had just enumerated. From what had recently transpired, he had reason to believe that little difficulty would be found with France upon the subject; and looking at the more liberal Governments which had lately assumed the reins of power in Spain and Portugal, he trusted that, even in those countries, a better feeling with respect to the Slave Trade would be evinced. In the case of the two latter countries, indeed, England had a right to insist upon their compliance in her views, because she had paid them for so doing. Spain, by a treaty agreed to in 1817, was paid by England no less a sum than 400,000*l.* for the share she was to take in the abolition of the trade, and yet she had done nothing since except to promote it. At all events, it became the imperative duty of England to suffer no longer a period of time to elapse before she took some decisive step to put an end to a trade which was the means of murdering every year no less than a hundred thousand human beings, and which tended only to the enrichment of a parcel of miscreants, who, if justice were done to them, would die the deaths of murderers and pirates. With these views of the subject, he would conclude by moving—

“That an humble Address be presented to his Majesty, to thank his Majesty for his gracious condescension in having from time to time, been pleased to communicate to this House the ‘Correspondence of his Majesty’s Government with foreign powers,’ and ‘with the British Commissioners, relating to the slave trade.’

“That this House has considered these documents with the attention they claimed, and has learnt from them with feelings of astonishment, grief, and indignation, that the traffic in slaves not only still continues to be carried on to an enormous extent, but that it is attended with circumstances of increased and aggravated cruelty, and that too under the flags of some of those nations who were parties to the Declaration made by the Congress of

Vienna in the year 1815, wherein they asserted that 'The traffic known under the name of the African Slave Trade has been regarded by just and enlightened men in all ages as repugnant to the principles of humanity and of universal morality;' that 'The public voice in all civilized countries has demanded that it should be suppressed as soon as possible:' that it was 'Their desire to put an end to a scourge,' which they therein described as having 'long desolated Africa, degraded Europe, and afflicted humanity;' and a final triumph over which they acknowledged would be 'One of the greatest monuments of the age which undertook it and which shall have gloriously carried it into complete effect.'

"That notwithstanding this Declaration was solemnly agreed to by all the Great Powers of Europe in Congress assembled, and by them formally promulgated in the face of the world, this House has since been called upon to witness some of those very Powers afford it the protection of their flags, by refusing to adopt effectual measures for its suppression, although repeatedly urged to do so by his Majesty's Government, whose representations and arguments have been forcibly reiterated by his Majesty's representatives resident at their respective Courts; and that, although his Majesty has entered into treaties and conventions with these Powers for the suppression of this execrable traffic, in consequence of which certain laws have been enacted and edicts issued; yet these laws and edicts, for want of efficient means having been adopted to give them practical effect, have remained inoperative; and this House has learnt with surprise from the correspondence laid before it by his Majesty, that when this fact had been represented by his Majesty's Government, his Majesty's representations and remonstrances have either been neglected altogether, or met by promises, which subsequent events have proved were mere pretexts for delay, alike discreditable to the Governments who made them, and insulting to the Monarch to whom they were addressed. In this expression of its opinion and feelings, this House has particularly in its view the conduct of the Courts of Spain and of Portugal, who are bound by formal and solemn treaties with his Majesty totally to abolish the Slave Trade, so far as their subjects and the use of their flags are concerned, and who for this purpose have actually received money by votes of this House to the amount of seven hundred thousand pounds sterling, and the remission of a debt to the amount of six hundred thousand pounds more, which were granted on the faith of those very treaties, which these Governments are nevertheless so far from carrying into effect, that, on the contrary, they allow their flags to be degraded by covering the largest portion of this infamous traffic in the blood and sinew of their fellow-men, as is fully proved by the documents his Majesty has communicated to this House,

"That this House, therefore, humbly and earnestly beseeches his Majesty to call imperatively upon the Courts of Spain and Portugal to act upon the declaration of Vienna to which they were parties, and immediately to fulfil in good faith the treaties they have respectively entered into with his Majesty for the entire suppression of this trade; and this House further implores his Majesty, should his Majesty still find that these Powers hesitate to act up to the spirit and to the letter of their solemn engagements, to refuse to enter into any treaty or convention with them for any other purpose whatever.

"That although this House has seen, with deep regret, that down to a late period the trade in slaves has been carried on to a considerable extent under the flag of France, still this House views with satisfaction the success which has attended the measures its Government has adopted for its suppression; and this House congratulates his Majesty on the completion of a treaty, conceding the mutual right of search, to which, at one period, almost insuperable objections on the part of France seemed to exist. But although this House acknowledges with gratitude his Majesty's exertions in effecting so much, still this House humbly represents to his Majesty, that much yet remains to be done to complete the total annihilation of the trade carried on under the protection of the French flag. And this House looking to what has already been effected, is confidently led to hope that the recommendation by his Majesty of further measures, having for their sole object the total suppression of this trade, alike condemned by both nations, will find ready acceptance by the Government of France, particularly as the interests of its subjects are now represented to be no longer involved therein. And this House, therefore, humbly suggests to his Majesty, that great advantage to the cause of humanity would be gained by inducing France to consent to an extension of the limits of the mutual right of search already agreed upon, to the whole line of the coast of Africa, and to that of the Island of Madagascar: and this House indulges the hope that his Majesty may be pleased to avail himself of the opportunity which the pending negotiation for a treaty of commerce with France presents, to gain, not only the consent of her Government to this important alteration, but also to join Great Britain, the United States of America, and the Brazils, in the measure they have already taken of declaring the trade to be piracy.

"That this House has observed with grief, that an immense traffic in slaves has been carried on under the flags of other nations, notwithstanding his Majesty's unceasing exertions in negotiating with their respective Governments in the hope of inducing them to carry into effect their own solemn engagements for its effectual suppression; and this House feels deeply humiliated by a sense of the comparatively small success which has

resulted from its labours and from the sacrifices it has made in this great cause; and it cannot refrain from expressing, in the strongest terms language will afford, its grief, and undisguised indignation at the little attention which has been paid by Foreign Powers to the unceasing endeavours of three successive British Monarchs to give them effect. But, notwithstanding all these disappointments, when this House reviews the whole of this most painful subject, it still sees in the present state of public feeling respecting it, in almost every country in Europe, and in America, reason to hope for final success; and feeling that this country has acquired, by the force of its own example, the right to call upon other nations to respect and promote the peace and happiness of the African race, which forms so large a portion of the great family of mankind, this House once more approaches His Majesty to implore and beseech his Majesty to renew, with increased earnestness, his negotiations with all those Governments under whose flag this infamous traffic is still carried on, calling upon them to co-operate in good faith with his Majesty in completing the triumph which they themselves have declared will be one of the greatest monuments of the age which shall have carried it into effect.

"That this House, with a view to the attainment of this just and humane object, humbly beseeches his Majesty to revise, with his allies, all the treaties which they have respectively entered into with his Majesty, having for their object the suppression of this traffic, in order to reduce the terms and stipulations contained therein; which at present vary greatly from each other, into one solemn league between all the contracting Powers, and to introduce into this general treaty, first, an extension of the limit to the right of search, to the whole of the western coast of Africa, and between

degrees on the eastern coast of the same continent; and an agreement that this right of search shall be allowed, not only as between each particular country and his Majesty, but be extended to a reciprocal right of search between all the contracting parties. Secondly, that the right of seizure shall be extended to vessels equipped for the purposes of trading in slaves, although not actually having slaves on board. Thirdly, an agreement that all such vessels as may be condemned by the Mixed Commission Courts, shall forthwith be broken up, or otherwise effectually destroyed; and, Fourthly, a stipulation that the trade in slaves shall be declared to be piracy.

"That this House cannot conclude this Address to his Majesty without humbly soliciting his Majesty to consider whether those Sovereigns, whose flags have not been degraded by having been engaged in this cruel traffic, but who were assembled in Congress at Vienna, may not be called upon, in virtue of their having joined in the declaration there made to co-operate with his Majesty in en-

forcing the high and solemn obligations and engagements which they entered into at that momentous period: and this House is again led to revert to the suggestion which was countenanced by those high contracting parties, of excluding from commercial intercourse with their respective dominions, any state which should pertinaciously refuse to abolish the slave trade, after it shall have been prohibited by all other nations."

Mr. *Hume* entirely concurred in the propriety of expressing some strong and decided opinion on the absolute necessity of putting a stop to the Slave Trade: but he thought that the hon. Member would have effected his object better if he had avoided the use of language which might serve to irritate Foreign Powers. Besides, it should be recollected that those Powers were not the only parties who deserved blame; for, in his opinion, the Government of this country was liable to censure for not insisting on the execution of the treaties for the suppression of the Slave Trade. He thought it would be better that a motion embracing so many facts, and extended to so great a length, should be withdrawn; and that a short, decided, and firm resolution—a resolution which the House could not fail to understand and adopt, should be submitted in its stead. It was almost too much to expect the House suddenly, and upon the instant to agree to a motion which extended over not less than nine pages. At all events, he would recommend that it should be printed, and be suffered to stand over for a few days, so that hon. Members might have an opportunity of making themselves acquainted with it before they were called upon to adopt it. Whenever a proper time arrived for a discussion of the subject, he (Mr. *Hume*) should be prepared to state that the measure of Slave Emancipation adopted two years since by the British Legislature, had succeeded in several of the West-India islands to an extent far exceeding anything that could reasonably have been expected.

The *Chancellor of the Exchequer* was understood to say, that the important object of the address before the House had been communicated to the Foreign-office, and he understood that with respect to it, no objection was entertained in that department. With regard to the recital of facts contained in the address, that had been compared with public documents, and found to be correct. Whether it be advisable or not to adopt a shorter

address than the one just moved, appeared to him to be rather a question of form than of substance; but he knew of no subject more befitting the attention of that House and of the Government than that to which the address had reference; and he should be sorry to see the tone which the House ought to adopt in the discussion of such a matter any way lowered. The British Government were not only bound by the obligations of treaties to put a stop to the Slave Trade, but was also bound in justice to the West-Indian proprietors, to see that they were subject to no unfair competition on the part of foreigners. Thus not only humanity, but the interest of the West-Indian colonists, called on the Government to omit no step calculated to put down the Slave Trade. With respect to the objection taken by the hon. member for Middlesex, to the length of the motion, he begged to state that he certainly did recollect that on a former occasion, an Address to the Crown had been opposed on account of its length; but it should be borne in mind that that address consisted not of facts extracted from public documents on the Table of the House (as the present one did), but of the reasoning of the hon. Member who moved it. With respect to the suppression of the Slave Trade, he believed that France was willing to co-operate cordially with this country; and he expected that Spain and Portugal would be found ready to enter into some satisfactory arrangement for the same purpose. To effect this object, no means had been left untried by successive Governments, and he was sure that they could not be fairly accused of neglect of duty. This address would not impede any negotiations pending at present, nor was it inconsistent with an accurate statement of facts. He asked his hon. Friend, the Member for Middlesex, whether he thought that any convenience would arise from withholding the assent of the House from this address to-night, and from reviving the discussion upon it on a future occasion? He put it to the House whether, in the present state of Parliamentary business, his suggestion ought not to be acceded to.

Mr. Cobbett contended that until they could prevail on the Government of the United States to grant the right of search they never could put an end to the traffic in slaves. He objected to the length of the address. Nine pages of address car-

ried to the ears of a King, was a monstrous absurdity.

Mr. George F. Young said, that though he entertained a strong opinion in favour of all the statements which the hon. Member for Weymouth had made, and of all the inferences which he had drawn from them, he yet hoped that the House would be cautious in the mode of exercising its interference. On their decision of that night, might, perhaps at some future period, depend the question of peace or war. To be asked summarily to come to a resolution on a long statement of alleged facts, which nobody had heard before that evening, was not what he had been accustomed to in his Parliamentary experience. They were acting in a manner that must inevitably lead them into difficulties, and he hoped that his hon. Friend, the Member for Weymouth, notwithstanding the sanction given to his address by his Majesty's Government, would delay pressing the House to a decision upon it that evening.

The *Chancellor of the Exchequer* denied that he had given any sanction on the part of Government to the proposed address. He had not offered any objection to it, as it contained nothing but facts which had been previously stated in papers laid on the Table of that House.

Mr. F. Buxton concurred with the hon. gentlemen opposite, in thinking the address too long. He knew that the attention of Parliament had not been drawn to the subject, and that it was therefore necessary either to include in the address, or to exclude from it all the premises upon which it was founded. He had, therefore, determined to introduce them into the address, for the purpose of reviving the recollection of them. If he had confined himself to a short address, it must have been to this effect—that the House requested His Majesty to take certain measures, and that the House would support him in those measures to obtain redress. His original object had been altered by obtaining information that certain negotiations were still pending with Foreign Powers, and he felt that he ought not to use towards them in such contingencies, any language that might be deemed uncourteous. He wished it, however, to be understood, that if any thing like past trifling were persisted in, he should call on the House to take measures, to put down the abomination which

existed at present. Having said thus much, he would now add, that he would withdraw his present address, and on a future occasion propose a shorter address in its stead. He could not sit down without stating that he had listened with great pleasure to one part of the speech of his hon. Friend the Member for Middlesex. He had recently seen the authority of his hon. Friend appealed to in a debate in the French Chamber of Deputies, for the purpose of proving that the great experiment attempted by England, with respect to the Abolition of Slavery had entirely failed. He knew that such was not the case; and he was glad to hear his hon. Friend add his testimony to the same fact. There was also another point which he wished to mention: he should be the last person to charge either the present Government or that which preceded it, with any neglect on this subject.

Motion withdrawn.

HOUSE OF COMMONS,

Wednesday, May 13, 1835.

MINUTES.] Bills. Read a first time:—Sale of Bread Committee; Highways.

Petitions presented. By Mr. THOMAS BARING, Mr. HAWES, Mr. BROTHERTON, Mr. RIDLEY COLBORNE, Mr. HOGG, Mr. FRESHFIELD, and Major BEAUCLEERK, from Salford, London, and other Places, against the Imprisonment for Debt Abolition Bill.—By Mr. THOMAS BARING, from Great Yarmouth, against the Seamen's Enlistment Bill.—By Mr. HAWES, from Market Gardeners of Lambeth, against the Sabbath Day Observance Bill.—By Mr. HAWES, from Inhabitants of Lambeth, to Repeal the Sentence on the Dorchester Unionists.—By Mr. EWART, from Liverpool, to the same effect.—By Colonel LEITH HAY, General SHARPE, Mr. CHALMERS, and Mr. MAULE, from Inhabitants of Losswege and Cockpen, and from various Dissenting Congregations (Scotland), against a Grant to the Church of Scotland.—By Colonel LEITH HAY, General SHARPE, Mr. MAULE, and Sir ROBERT PEEL, from a variety of Places, in favour of such a Grant.—By Mr. HEATHCOTE, Lord EASTNOR, Sir CHARLES BROKE VERE, and Mr. PHILIP JOHN MILES, from several Places, against the Ecclesiastical Courts' Bill.—By Mr. HEATHCOTE, from Farmers of Crosland, against the Removal of the Duties on Small Agricultural Seeds.—By the same GENTLEMAN, from the East Suffolk Agricultural Society, for Protection to Agriculture.—By Mr. RIDLEY COLBORNE, Mr. MACKINNON, and Mr. SAUNDERS, from Wells, Lynton, and Parishes in London,—in favour of the Church of Ireland.—By Mr. RIDLEY COLBORNE and Mr. WALTER, from Spirit Dealers in Wells, Wokingham, and other Places,—for the Reduction of the Duty on Spirit Licenses.—By Sir GEORGE STRICKLAND, from several Places in the West Riding of Yorkshire, for an Equality in the Licenses for selling Beer.—By Mr. EWART, from Liverpool, for the Suppression of Drunkenness.—By Mr. FOX MAULE, and Mr. M'TAGGART, against the Imprisonment for Debt Abolition Bill (Scotland).—By Mr. FOX MAULE, from Forfar, in favour of the proposed Measure of Church Reform (Ireland).—By Mr. MACKINNON, from Richmond, Surrey, for the Better Observance of the Sabbath.—By Mr. P. J. MILES, from Bristol, for giving Poor-Laws to Ireland.—By Mr. KENNEDY, from Labourers of Uplowman, complaining of

Distress; and from Dissenters of Stoke-upon-Trent, against the Dissenters Marriage Bill; and by Mr. JOHN MAXWELL, from certain Handloom Weavers, for the Establishment of a Board to Regulate Wages.

NEW POOR LAW.] Mr. Walter said, he had to present a Petition from several persons of highly respectable character, and thoroughly acquainted with the subject on which they addressed the House, in Newbury and its vicinity, praying for the repeal of the New Poor Law Bill. He said, that having opposed that Bill in every stage, he should on the present occasion only state the opinions of his constituents respecting its operation. The petitioners lamented that the late Parliament, instead of endeavouring to raise the condition of the labouring population, should have devised the means of depressing them, and depriving them of their property, with the professed view of reducing the poor-rate, which rate, however had only increased with the increase of taxation generally; and they confirmed their statement by a variety of tables and estimates. They complained of the expense of building workhouses. He believed they were justified by experience in the view which they took of that subject. This grand project of the Commissioners, which they were now trying to introduce wherever they could venture, was an old project revived, but which had also been very justly exploded on account of the immorality as well as oppression and expense which generally attended it. Sir Frederick Eden had pointed out numerous instances of this in his valuable work. On the subject of separating a man from his wife, and children from their parents, the hon. Member observed, that it had been lately asserted in another place, by a high legal authority, that no such violation of the laws of nature and of God were ever even contemplated. It had been asserted by the eminent authority in question, that “no one ever entertained the intention, or indulged a dream or imagination, of such a thing—there had been no talk of separating husband from wife, or parent from child. Undoubtedly, hospitals would be established in the new union workhouses, and the sound would not be shut up with the sick, as heretofore: this was all the separation that could be contemplated. But no child of an age to require nurture or parental care would be separated from its parent—no husband and wife be parted. The idea of such a proceeding, he would

venture to say, had never entered any man's imagination during his waking moments and he very much doubted if any one had ever dreamt of such a thing." Now, notwithstanding the minuteness of this disavowal, which should seem to proceed from the most exact information, the hon. Member said it was so directly the reverse of the fact, that had it not been for the circumstantiality of the expressions, he could hardly believe they had ever been used. In addition to the totally opposite account from the inhabitants of Stoke Poges, of which they had already heard, he would take the liberty of reading to the House the statement of one of the Gentlemen whose signature was attached to the present petition, Mr. Edward Gray. Mr. Gray informed him, that on Friday, the 19th of March, E. Gullson and R. Hall, esqrs., two of the New Poor Law Assistant Commissioners, attended at Newbury, for the purpose of explaining the manner in which it was their intention to put into execution the rules and regulations made under the provisions of the new Act. After having explained their intentions, they wished their hearers to ask them any questions and they would be ready to give answers to the best of their knowledge. Whereupon Mr. Gray put to them the following questions, and the answers affixed to Mr. Gullson's name were the words elicited from him in reply thereto:—

"Mr. Gray.—Pray, Sir, allow me to ask whether an able-bodied labourer, wanting only temporary relief, is obliged to go into the workhouse?"

"Mr. Gullson.—Yes, certainly.

"Mr. Gray.—And his wife and children?"

"Mr. Gullson.—Yes.

"Mr. Gray.—When there, are the husband and wife to be separated, and the children from both?"

"Mr. Gullson.—Yes, most assuredly."

Mr. Gray had added, which should have some weight with the House, that such rule was in contravention of the laws both of God and man,—of the law of God, as exemplified in various texts of scripture; and of the law of man, as it was completely in opposition to the form used in the solemnization of matrimony. The hon. Member concluded by expressing his hope that the facts he had stated would first induce the distinguished person to whom he had referred to reconsider his previous assertions; and next, that they would have

a powerful effect in inducing the House to reconsider the new Poor Law Bill.

Major *Beauclerk* said, he was sorry he did not see the learned Gentleman (the Attorney General) in his place, as it was his intention to again put that question to him to-night which the learned Gentleman had last evening declined to answer, without consideration, as to whether this power was conferred by and exercised under the Poor Law. The statement which he had now heard, and indeed the intelligence which he had received upon the subject from various quarters, had made him come to a determination, if the Hon. Gentleman who had presented this Petition should not do so, and the Attorney General declared that such was the provisions of the Bill, either to introduce a declaratory measure, or to move that the clause in question be altogether expunged from the act, considering it derogatory to the character of the House, and productive of harsh oppression to the poor. He was one of a small minority in that House who, when the Bill was passing through it, endeavoured, but unsuccessfully, to have the doubtful clause omitted from it. He afterwards heard that the House of Lords had expunged the clause, and he was happy to learn that that was the case. He was now, however, told that it was not so, and indeed he had learned with astonishment, that on all sides throughout the country this power was attempted to be exercised over the people of England. He, as an Englishman, must protest against it. He would never agree that so arbitrary and so unjust a power should be exercised towards the lower classes in this country. This was no party, no Whig or Tory, Question. It was Sir Robert Inglis that moved the Amendment last Session, for which he (Major Beauclerk) voted, for omitting this power in the Bill. The power of dividing an honest man from his wife and children was one that should not be intrusted to any man or set of men. He trusted that the House would reconsider this Act, and would expunge this clause from it.

Petition laid on the Table.

IMPRISONMENT FOR DEBT.] Sir *Robert Peel* said, he had to present a numerous and respectably signed Petition from the merchants, traders, and others, residing in the city and liberty of Westminster, against the Imprisonment for Debt Bill. As the measure was then

under the consideration of a Select Committee, he should not enter into the Question but he would merely call the attention of the House to the allegations of the Petitioners, who, be it remembered, were practically acquainted with the subject. In their opinion, the Bill was calculated to delay rather than to facilitate the recovery of debts, and they did not hesitate to express their conviction that, under the present system, the honest debtor, after making a cession of his goods for the payment of his debts, had little difficulty in obtaining the relief for which the Bill proposed to provide more effectually. They were afraid the provisions of the Bill would increase the number of fraudulent customers; and they were convinced that the proposed mode of recovery would prove to be troublesome and inefficacious. In conclusion, they prayed to be heard before the House by their agents. As the Committee would, doubtless, be anxious to obtain every information he had suggested that the Petitioners should tender to them the evidence they had to offer.

Mr. *Carruthers* begged to inform the right hon. Baronet and the House, that that Committee received no evidence whatever. In his opinion it would have been more wise if the Committee had called before them practical and experienced men acquainted with the commerce of the country to give evidence upon this very important subject.

Mr. *Cresset Pelham*, entered his protest against the Bill, as an impartial man, although it might to some appear intrusive to say so. He represented a great number of persons deeply interested in this momentous question, and they and he believed the measure to have originated in a contrivance between the Crown and a party. He thought that the interference of the Crown, on all such occasions, ought to be viewed with jealousy. The Committee of the House ought to employ itself in obtaining information, and not to rest satisfied with the dictation of any Commission. No evidence, had been taken by the Committee from any part of the kingdom; yet there were many persons who contended that they would be most seriously aggrieved by the passing of the Bill. They ought to have justice—at least the justice of being heard upon matters which they so well understood.

The *Chancellor of the Exchequer* said that a great mistake seemed to be enter-

tained by some hon. Gentlemen as to the nature of the Select Committee which had been appointed on this subject. That Select Committee had not been appointed for the purpose of taking evidence, and, in fact, it had not the power to do so. It had been appointed solely for the purpose of inquiring into, examining, and discussing the various provisions of the Bill; but at the time of its appointment, the House did not think it right to give it the power of taking evidence. He believed it was intended to re-commit the Bill to a Select Committee up-stairs, and when that proposition was made, it would then be open to the House to empower that Committee to receive evidence upon the subject.

Mr. *Hume* was sorry the Attorney General was not in his place, as he could confirm the statement which he would make. The fact was, that a Commission had been taking evidence on the subject for the last two years; and he for one, when the Select Committee was appointed, considered there was no necessity for taking further evidence upon the matter. He was inclined to say, however, from what had since occurred, that as there were many individuals, both in the metropolis and other parts of the country, who thought they had not been heard, and who imagined they could give new and important evidence, they should get an opportunity of communicating it. He was sure that the object of the Bill would be forwarded by thus yielding to their demands.

Mr. *Robinson* said, that all the trading community of this country asked of the Legislature, when it abolished those powers to which personally he was friendly, was, that care would be taken to preserve to them some means of recovering their debts in the best manner it could contrive. He rejoiced that the Bill was to be sent to a Committee up-stairs, and he was also happy to hear that the Attorney General had manifested a disposition to attend to every suggestion that might be made upon the subject. Under such circumstances, and especially as every petition which had been presented upon the subject would be referred to the Committee, before whom the fullest investigation would take place, he thought all discussion at present would be perfectly useless. He only regretted that the Committee could not, according to the usages of the House, receive parol evidence upon the matter; he, however,

only now rose for the purpose of stating that the traders had no disposition to continue the practice of imprisonment on mesne process, and that if that system was to be abolished, the Legislature ought to afford the trading community every facility for the recovery of their debts, and that their just rights ought not to be prejudiced by improvident legislation.

Sir *Frederick Pollock*, as one of the Commissioners by whom the Abolition of Imprisonment for Debt in certain cases had been recommended, might be excused for saying a word on the present occasion. Although he had been one of the majority of the Commissioners who had been adverse to the continuance of the present system, yet he must admit, a very large body of evidence had been submitted to them, the tendency of which was unfavourable to the views he then, and still entertained upon the subject, and therefore he must say, that he was indisposed to legislate hastily or rashly, or without the fullest inquiry and investigation. To some of the details of the present Bill there existed, in his judgment, insuperable objections, and he should be sorry that it should be urged forward without affording every member of the community, whose interests were likely to be even remotely affected by it, the fullest opportunity of either pointing out the advantages of the present system, or the evils which would be likely to result from the change. He had heard with much pleasure from the right hon. Gentleman the Chancellor of the Exchequer, that after the Bill had been recommitted, the House itself would be enabled to examine it in detail. He should regret if, after all he had seen of the measure, it did not undergo the most complete investigation. To the same scrutiny he was willing to submit the Report of the Commissioners, (and the recommendations therein contained) to which he as one of the Commissioners had been a party, though he would not give up any single opinion expressed in that report. All he hoped was, that protection would be afforded to the honest debtor, and at the same time the creditor would be secured every means of obtaining that justice which he had a right to expect.

The Petition laid upon the table.

PUBLIC CARRIAGES (METROPOLIS.)

Mr. Alderman *Wood*, in moving the second reading of the Public Carriages

VOL. XXVII. {Third Series}

Bill, said, that as he understood objections were entertained on the part of some Gentlemen to the measure, he should propose, in order to save the time of the House, that the Bill should be read a second time *pro formâ*, and that it should be afterwards committed to a Select Committee up-stairs. He wished it to be understood, that in supporting the present Bill his object was not to diminish, but to increase, the advantages afforded by the employment of public vehicles. He concluded by moving that the Bill be read a second time *pro formâ*, intending, after that motion should be agreed to, to propose that a committee up-stairs should be appointed to consider the provisions of the Bill, with power to summon and examine witnesses.

The *Speaker* called the attention of the House to the course intended to be taken by the hon. Alderman with regard to the present Bill. The House had for certain stated reasons permitted the Bill to be introduced, and to be read a first time; and it was now proposed, after reading the Bill a second time, to refer it to a Committee up stairs, and to give that Committee the power of hearing evidence, with the view, it would seem, of establishing a new ground for the Bill, different from that on account of which the House had consented to its introduction. Such a course was at variance with the usual practice, and if permitted, might obviously lead to great inconvenience.

Mr. *Warburton* thought, that if the hon. Alderman had given notice of his intention to move the appointment of a Select Committee to consider the Bill, with power to call for persons, papers, and records, no objection would then have been made to the proposal. With regard to the measure itself, he objected to that which was its main object—to delegate the power of legislating with respect to public vehicles exclusively to the Lord Mayor, Aldermen, and Police Magistrates.

Mr. *Jervis* conceived the point noticed by the Speaker to be one of great importance, as regarded the practice of the House. If the principles or facts on which the Bill was founded were in any degree doubtful, then the course which the hon. Alderman ought to adopt was, in the first place, to withdraw the present Bill entirely; then to propose the appointment of a Committee to consider the sub-

ject and examine witnesses; and lastly, to found a new Bill on the report of that Committee, whenever it should be made.

Mr. *George F. Young* said, that the public loudly and almost universally called for some measure of this description. The principle was admitted, and the details might be agreed upon hereafter. He hoped the House would concur in the second reading of the Bill.

The *Speaker* remarked that he had been led to make the observations which he had offered to the House in order that the hon. Alderman might at the earliest moment be made aware of the course which it was in his power to pursue. The question now before the House was, whether this Bill should be read a second time.

The Bill read a second time, and referred to a Select Committee.

CLAIMS OF THE EAST-INDIA COMPANY'S MARITIME OFFICERS.] Mr. *Robinson* moved for leave to refer two Petitions presented from certain Maritime Officers of the East-India Company excluded from the compensation granted by Act 3 and 4, William 4th, cap. 85, to a Select Committee. The hon. Member said, that his object in moving for the Committee was to inquire how far the spirit and letter of the Act of Parliament had been complied with, and whether strict justice had been done by the East-India Company in awarding compensation under the Act. He should reserve for his reply what he had to say in favour of his proposition, if it should meet with any opposition, but he hoped that the House would yield to the evident justice of the Motion, particularly as it would not be bound by the decision of the Committee, as the terms of the report would have to be considered hereafter.

Mr. *Buckingham* seconded the Motion.

Mr. *Praed* observed that he had no intention of opposing the Motion, but, while saying so, he thought it incumbent on him to state that the late Government would not, had they been in power, have taken the course which he understood the present were about to sanction, namely, that of acceding to the Motion of the hon. Member. As far as he had been able to investigate the subject, his opinion was that the Motion could not, consistently with the interpretation of the Act, be acceded to; and he confessed he should be very glad to hear from the hon.

Baronet, who represented in the present Government the Board of Control, what were the grounds on which that Board proposed doing so. Under the provisions of the Act, the Company were allowed to make compensation to their discharged servants, and the only control the Government or the House had over their arrangements was contained in a stipulation that every resolution embodying a grant of money should lie on the Table of the House of Commons for two months before it became law. This prudent arrangement was framed to prevent the Company from squandering the money of the people of India; and the House, he was sure, would see the great advantage of abiding by it. The Company, then, having this power to make compensation, proposed a certain scale, which, having been considered by the proprietors as too small, they at a general meeting proposed and carried a resolution suggesting a much larger one. Upon this latter coming before the late Board of Control, it appeared to its members far more lavish than was justifiable, and they accordingly rejected it, and adopted that of the Court of Directors. That regulation had, according to the provisions of the Act, been laid before the House, and, having remained the stipulated period on the Table, it was to be considered as part of the Act, and not cognizable by a Committee of the House. He had not the remotest intention to disparage the claims of the East-India Company's officers; far from it. He regarded them as a very meritorious set of servants, but he was bound to express his conviction that had these Gentlemen, some short time before it was determined to discontinue the Company's trading powers, been asked individually what amount of retiring compensation, would satisfy them, they would have expressed themselves satisfied with one-tenth part of that determined upon by the Directors. But he contended that if the case was at all open for further consideration, either as regarded the officers included in the Company's arrangement, or the present petitioners, it was for the Court of Directors and not the House of Commons to consider it. Of what use could a Committee of the House of Commons be? There was no doubt as to the facts connected with these officers' claims. They had been already considered and decided upon by the Court of Directors, and

consequently the only thing a Committee could do, would be to recommend that which, if competent for any tribunal to do, rested entirely with the Board of Directors. The proper course of proceeding, in his opinion, would be to bring before the House a resolution, declaring that the regulation of the Directors was an improper one. As he before stated, he would not oppose the Motion; but he must guard himself against being supposed as giving his assent to having the whole case reconsidered before a Committee. If the money were to come from the pockets of the English people, he was confident there were scarcely ten Members in the House who would accede to the Motion; and he entreated hon. Members to recollect that the people of India, whose money transactions they were then interfering with, had no representatives in that assembly, and on that account it behoved them to be the more watchful how they interfered.

Sir John Hobhouse did not hesitate to say that he as yet had not made up his mind as to whether any compensation whatever ought to have been granted to the Company's maritime officers. But that question having been determined upon by the tribunal to whose decision it was left by the Act of Parliament, the question was, whether or not the limitation laid down by the Court of Directors did not require some revision? The hon. and learned Member who spoke last seemed to say, that the two months allowed by the Act having expired, the case was taken out of the jurisdiction of the House. But, surely, it would be acting unfairly towards the petitioners to say that an adjournment, rendered unavoidable by political events, should place the petitioners in a worse situation than they otherwise would have been in. He would give his vote for the Motion, not as the head of the Board of Control, but as an individual Member of the House. He should be glad to see the whole question as to whether any compensation whatever should be given, opened by the Committee. But, considering that question already decided, he feared they could do no more than consider whether the scale of the Directors might be enlarged. He thought it would have been a great deal better had the Court of Proprietors included all who had served the Company in one graduated scale, so that each, according

to the period of his service, might have had his share in the compensation.

Mr. G. F. Young in allusion to an observation made by the hon. and learned Member for Yarmouth, begged to observe that the House was not now legislating for the Indian people alone, inasmuch as if the territorial revenues of India failed in producing adequate funds to meet these compensation claims, the proprietors of East-India Stock would be liable to them.

Mr. Carruthers protested against the case of those officers whose claims had been decided upon by the Court of Directors being interfered with by the Committee.

Mr. Stewart Mackenzie declared his intention of opposing the appointment of any Committee which should have power to enter into the question as to whether compensation should or should not be granted to the Company's maritime officers. That was settled by the resolution of the Directors, and could not with any justice be re-opened by the Committee. If a Committee were at all appointed, it ought to be on the understanding that their deliberations should be directed to the cases of those officers whose names were contained in the petition.

Mr. Clay would support the Motion, on the ground that great injustice had been done by the rule laid down by the Court of Directors.

Mr. Robinson, in reply, observed that all he sought from the appointment of a Committee was, to prove that the rule laid down by the Court of Directors had an arbitrary and partial effect, and that many officers who under it would be excluded from any compensation had equal, and in many instances more, claim than those for whose advantage it was framed. Neither the people in England nor in India had any interest in an unfair distribution of the money. It was desirable that the money should be distributed only according to the extent and nature of the different claims. He did not wish, in the event of the Committee being appointed, and from the feeling displayed in the House he was pleased to see that it looked favourably upon such appointment, that any case should be decided upon unless the claims were made evident. Many of those officers who were afloat on the 28th of August, 1828, were by the lapse of a few weeks accidentally thrown out. If the Committee should determine that

justice had not been done to those individuals, there would be no difficulty, he apprehended, in dealing with the subject. One slight amendment in the resolution he should propose for adoption, suggested by the hon. Member for the Tower Hamlets (Mr. Clay), namely, that instead of the words "certain maritime officers," the words "some officers" should be inserted.

The resolution, as amended, was put and carried, and the Committee appointed.

HOUSE OF LORDS,

Thursday, May 14, 1835.

MINUTES.] Petitions presented. By Lord KINNOUL, the Duke of Buccleugh, the Earl of Rosebery, and the Marquess of Bute, from various Places in Scotland, for Assistance to provide Additional Church Accommodation (Scotland).

SCOTCH CHURCH.] Lord Brougham presented a Petition signed by a very numerous body of persons assembled together at a public meeting at Edinburgh, on the subject of the Scotch Church, and the proposed grant to it. The meeting consisted of between eleven and twelve thousand persons. The petitioners were not wholly Dissenters from the Established Church of Scotland, but were indiscriminately members of that Church, and Dissenters from it—Dissenters, too, of various denominations. The petition stated, that the population of Edinburgh amounted to 136,000; that there were sittings in the Established Church for 33,000 persons, and in the dissenting meeting-houses for 37,500. The calculation made upon a population of 136,000 gave 63,300 as requiring seats, and the number of seats he had mentioned was considerably above the number that, in such a population, would want them. This statement was made upon the calculation of the General Assembly itself, and fully proved that there was no such want of accommodation as was supposed. The petition went on further to state that, in twenty six towns and parishes in Scotland, requiring 159,000 sittings, it was established by the same mode of calculation that there was no deficiency in that respect, but rather the reverse, as he had shown to be the case with respect to Edinburgh. The petitioners stated, that the increase of Dissenters did not arise from a want of seats in the churches, but on account of the conscientious scruples of the Dissenters upon the great question of Church patronage. The persons who thus dis-

sented would not go to church if there was ever so much accommodation afforded.

The Duke of Buccleugh had not had an opportunity of looking at the calculations and the statement of the noble and learned Lord, and, therefore, could say nothing with respect to it. He believed that, though there might be the number of sittings stated by the noble and learned Lord, yet that many of them being in the old cathedral churches, it was impossible from such sittings either to hear or see the preacher. Whether or not it was necessary to have any additional endowments for Edinburgh he could not tell, but he was perfectly certain that they were necessary in other parts of the country. He knew one instance in which the man himself said, that he had quitted the Church, not because he was a Dissenter, but because he could not hear the preacher. There was another reason, and that was in the distance at which the churches were from many of the inhabitants of the parishes. There was one parish, for instance, nineteen miles long, and eighteen miles wide, in which, of course, it was perfectly impossible for all the inhabitants to have the benefit of attending religious worship in their own church.

Lord Brougham said that, after all that had occurred, it was quite clear that the grant could neither be made nor refused, without Committees of both Houses investigating the subject.

THE LONDON UNIVERSITY.] The Marquess of Lansdowne wished to take an opportunity to correct an accidental error into which his noble and learned Friend had fallen a night or two ago in a conversation relating to the London University. His noble and learned Friend had stated, that a noble Friend of his, now the Secretary for the Home Department, had not attended the arguments on this subject at the Privy Council. He had referred to the documents, and had a communication with his noble Friend, the Secretary for the Home Department, and found that his noble Friend had attended all the hearings. It was important that this should be known, that his noble Friend might not be supposed to give an opinion on a subject he had not considered.

Lord Brougham said, that what the noble Marquess had stated was perfectly true. He had himself said, that it was not necessary to wait for the opinion of

his noble Friend, the Secretary for the Home Department, as the Secretary for the Home Department had not heard the argument. He had thought of his noble Friend only in that character, and not as Secretary for the Home Department. His noble Friend did not seem to have an interest in the question as Paymaster of the Forces, but, whether as Paymaster of the Forces, or as Home Secretary, he had never ceased to take a lively interest in the establishment of the London University. He had no objection to some delay now on account of his noble Friend's absence elsewhere, because, as Home Secretary, though not as Paymaster of the Forces, he was peculiarly interested in the question; but he protested against any delay on account of any other individual. It would be desirable as soon as possible to call together those who had before heard the arguments, that they might decide on the question; otherwise fresh arguments would be necessary. The speedy calling together of the Members of the Council would be, besides, proper, as a noble Friend of his might not be able to attend any other meeting of the Board; and if the matter were longer delayed, that might be the same with other Members of the Council.

HOUSE OF COMMONS,

Thursday, May 14, 1835.

MINUTES.] Petitions presented By Mr. CUTLAR FERGUSON, Mr. STEWART MACKENZIE, and Sir GEORGE CLERK, from various Places in Scotland,—for a Grant to the Established Church.—By Mr. KEMEYS TYNTE, from John and James Keene, for the Repeal of the Stamp Duty on Newspapers; and by Mr. JOHN MAXWELL, from Handloom Weavers of Norwich, praying for Relief.

MR. O'CONNELL AND MR. BAKER.]

Mr. *Shaw* rose, pursuant to notice, to move that the Petition of Mr. Thomas Baker (presented on the 20th of March) be referred to a Select Committee. He said that the facts to which he had to advert lay within a small compass, and might be briefly stated to the House. The hon. and learned Member for the city of Dublin, in consequence of stating that he had been misled by the agent for the petitioners in the case of the Dublin city election, obtained a postponement of the ballot. After this, the agent, Mr. Baker, of 29, Spring-gardens, made an affidavit, and presented a petition to the House embodying that affidavit in which he positively denied the statement of the

hon. and learned Gentleman. Mr. Baker, it would be perceived, considered himself bound to pursue this course, not only from motives purely personal, but from the very awkward position in which he was put as an agent. The hon. and learned Member had gained his object in the postponement; and this he had done by means of the statement he had made in the House; and he (Mr. *Shaw*) believed that the House would think, that if a statement effecting the purpose which he who made it had in view, went still further and affected the character and the interests of a third party, and if the individual so injured anxiously sought and prayed for an investigation of the facts and circumstances, it would be but justice to grant it to him. Mr. Baker had, in the strongest manner, contradicted the statement of the hon. and learned Gentleman, which cast the severest imputations upon him. Mr. Baker had verified that contradiction by affidavit. The hon. and learned Gentleman had, in consequence of this, thought fit to charge Mr. Baker in that House with perjury; and therefore it was that Mr. Baker came before them to ask only that the affair might be investigated by a Select Committee, or that the facts might be examined into, and witnesses heard at the Bar of the House. It was his wish to shun all party and personal feelings in this matter; he should, therefore, propose, to guard against all tinge of party spirit, that the Committee should consist of impartial Gentlemen, taken from amongst the Scotch and English Members, and that nobody connected with Ireland should be permitted to sit upon it. He would not sit upon it himself. He was happy to recollect that the right hon. Chancellor of the Exchequer had expressed himself in terms favourable to this view of the case. That right hon. Gentleman had said, that the statement of a Member of that House was, so far as it affected his own interests, entitled to all possible attention; and that if an agent, or any professional man connected with the proceedings of the House, were, indeed, guilty of such conduct as that laid to his charge by the hon. and learned Gentleman, the House would be justified in interfering, and visiting the offending individual with the consequences of its displeasure. He was anxious to put the matter into the hands of the house. Mr. Baker would be delighted to have the

question fully investigated by a Select Committee, or he was ready to be examined, with other witnesses, at the bar of the House. He had only to add, that he was actuated by no party motives in the course he took. Mr. Baker was a professional gentleman of high character and great ability. In presenting his petition, and making the present Motion, he was only doing his duty towards him, as any other Member of Parliament with whom he was acquainted would have done. He was happy to believe that the right hon. Baronet, the Member for Cumberland, and the Member for Northumberland took the same view of the question as he took. He had prepared a list of a Committee, to which he did not apprehend any objection would be raised. He concluded by moving, that the petition be referred to a Select Committee.

The petition was read at length.

The *Chancellor of the Exchequer* said, that, as particular reference had been made by the right hon. Gentleman to the part he had taken on this question, he felt it necessary to say a word or two. A statement had been made in that House by one hon. Member, and confirmed by another, that they had been, in the case of an election petition, thrown off their guard by a declaration of Mr. Baker, to the effect that it was not his intention to proceed with a petition with which he did subsequently proceed. He then took the liberty of expressing an opinion, that if these facts were proved against the agent, Mr. Baker, he was guilty of conduct as to the proceedings of the House, which would authorize it to interpose; for if such conduct were suffered, there would be no security for any sitting Member who was attacked. He had said, that the conduct of Mr. Baker was a fit subject for inquiry, and from that he would not recede. He saw nothing which should induce him to change his opinion. But the question should be, in his mind, treated strictly as a judicial one, and as one affecting the integrity and justice of their proceedings. The right hon. Gentleman had very properly declined sitting himself, and proposed to exclude all Members against whom there could be any reasonable objection. He would, moreover, suggest, that the Committee should be confined to a few impartial men; and to a Committee of this description he saw no objection.

Mr. O'Connell said, that, on his part, there could be no objection. The thing

was quite plain. Four persons stated the matter in one way; one man stated it another way. One of the newspapers had erred in stating that Mahon was the fourth person present. Mahon came in with Baker, and they went out together, and then Baker came back and disclaimed both the petitions. The four persons present were the agent, Sir Robert Sydney, his clerk, Mr. Ruthven, and himself (Mr. O'Connell). The matter, indeed, was too plain to require any Committee.

Mr. *Hume* deprecated a departure on the present occasion from the strict principle on which the proceedings of the House were conducted. If they granted this Committee, they would make a bad precedent—one which would justify any attorney a hundred miles off, who was engaged in getting up a plan, and against whom anything had been said in that house, to ask for a Select Committee. Besides, after the declaration they had heard from his hon. and learned Friend, what could the petitioner, with four witnesses against him, expect from a Committee? He protested against a departure from the usual course and ordinary exercise of the powers of the House. It would be, in his opinion, most unwise for the House to agree to the appointment of this Committee; and certainly, unless he heard something more convincing as to the propriety of such a course, he should demur and call upon the House not to admit such an innovation of its ordinary regulations.

Mr. *Robinson* said, that when this matter was last before the House, he had observed that the appointment of a Committee would only lead to recrimination between the parties, and would end in no satisfactory result. He still entertained the same opinion, and he entirely concurred with the hon. Member for Middlesex in thinking it would be extremely inconvenient for the House to establish any such precedent. It was not enough that the hon. and learned Member for Dublin should desire the investigation on Mr. Baker's account—it was not enough that he should be anxious for the investigation on his own account, or that the Chancellor of the Exchequer was willing, on the part of the Government, to consent to it; but the House was, in his opinion, bound to ask itself whether any public object could arise from the inquiry, and if not, to quash the proceeding at once,

Personally he had no feeling on the subject. He did not know any of the parties; but he wished to deprecate the beginning of a practice by which the House might by any individual be called upon to interfere in matters with which the public had nothing to do. He therefore called upon the House to concur with him in the expression of an opinion adverse to the proposition, and not to allow its time and that of the public (for their time was public property) to be thrown away by the discussion of motions like the present.

Mr. Hume said, that he should be extremely sorry to be compelled to go to a division on this Question; and, after what had occurred, he trusted the right hon. Gentleman the Member for the University of Dublin would prevent it by consenting to withdraw his motion.

Sir Robert Peel concurred in thinking that the House ought to look at the consequences which, by possibility, might result from the adoption of the present Motion. It appeared to him that the petitioner had done every thing that a gentleman and a man of integrity would do under similar circumstances; but he could not see why the House should institute a judicial inquiry into those circumstances. For his own part, he thought every principle would dictate to the House to decline the appointment of a Committee on the subject. If such a Committee were appointed, there would be conflicting testimony, and after all, probably, even if the Committee sat as a court of honour, no result would be arrived at. *Mr. Baker* had taken a proper course to vindicate his own character, and there might have been misapprehensions on both sides; it would only increase difficulties by consenting to this Motion. He (*Sir R. Peel*) had but a very imperfect recollection of what had occurred when the subject was last under discussion, but upon the whole, he confessed that he thought it would be better that his right hon. Friend should withdraw his Motion.

The *Chancellor of the Exchequer* hoped the House would think that in the part he had taken on the present occasion he had only acted in consonance with the course he had adopted on the former discussion. Whatever the feeling of the House might be on the Question, he was sure it would be well not to adopt any precedent from which inconvenience might arise.

Mr. Shaw said, that in a case in which

personal character was involved, he felt some difficulty in consenting to withdraw the Motion. *Mr. Baker* had laboured for a considerable time under a serious imputation, and in withdrawing the Motion, he could not admit that any imputation rested upon that individual. If he thought the charge was supposed by the House to be well founded, he should feel it his duty to persevere in the course he had followed, and it was with great reluctance that he yielded to the general feeling of the House.

The Motion was withdrawn.

TEA DUTIES.] *Sir R. Peel* was anxious to put a question to the right hon. the Chancellor of the Exchequer, which was of some importance. As he had not given any notice of his intention to the right hon. Gentleman, he was, of course, not bound to answer it, but he thought there could be no difficulty in the matter. The subject to which his question was directed called for some public declaration on the part of the Government; he alluded to the Question of the Tea Duties. At present those duties were regulated, as the house doubtless was aware, on a graduated scale, and there were three different grades of duties. The Committee, by which the whole subject had last year been investigated, had not expressed any decided opinion upon it, but had advised the present duties to be continued for some time longer, leaving the matter to be dealt with by the Government, and those duties still continued. He wished to know whether any alteration was contemplated by the present Government. If no alteration was intended, it was extremely desirable that it should be publicly known, and it was equally important that any change in the present system of duties should also be communicated to the public, on account of the peculiar situation of the China trade at this particular season of the year. He put this question, because whether the present system was to be adhered to, or whether any alteration of it was contemplated, it was important that it should forthwith be made public.

The *Chancellor of the Exchequer* concurred in thinking that the earliest information ought to be given to the public on this subject, but he was unable at present to give that reply which was asked from him. A deputation connected with the Tea Trade had solicited an interview with him upon the subject, and until that inter-

view had taken place he could not give any reply. On the earliest possible opportunity he would afford the House the desired information.

LORD LIEUTENANT OF ARMAGH.] Lord Mandeville said, although self-exculpation is in my judgment, a matter of very secondary importance, yet, in justice to the cause which I have undertaken, I conceive I am bound to notice the remarks made by the noble Lord, the Member for Armagh, relative to the delay which there has been in bringing this matter forward. It has been put off five several times; the first was at the request of the friends of the noble Lord; the second time was, because the learned gentleman, the Member for the Tower Hamlets, conceived it was too late an hour in the evening; the third time was the night of the discussion on the Irish Church, which did not end until half-past three in the morning; the fourth time was on the night of Lord John Russell's motion on the Irish Church, when both the noble Lord (Lord Acheson) and the learned Dr. (Lushington) assented to the general wish of the House, and compelled me to withdraw my Motion—and the last time was, when the right hon. Gentleman, the Member for Tamworth adjourned the House, so that I had no possible opportunity of bringing it on sooner. I do not impute to them any desire to delay, but I affirm that they had still less reason to impute that wish to me. The papers for which I am now to move I conceive are necessary to complete the evidence which has been moved for by the Member for the city of Armagh. I will, therefore, commence by shewing what the papers already laid upon the Table do prove, and then I will revert to the points which are to be established by the papers for which I now ask. It appears that there had been a series of acts of violence from the time of the Armagh races, unto the period of the election, sufficiently notorious to cause the Government to direct the inquiry. This inquiry was to be made by the magistrates—it was to be of the fullest description—to embrace the previous occurrences, and to extend, if necessary, as far back as the time of the Armagh races; the object being to discover not only the facts but the origin of these feuds. These points are proved by Sir Henry Hardinge's (the late Secretary for Ireland's) letter, In page 20 and 22 it says:—"It appears to his

Excellency expedient that all the circumstances connected with the outrage committed by the burning of the cabins, and with the previous occurrences, should have the fullest investigation by the magistrates assembled," &c. The second letter is as follows:—"In my letter of the 21st instant, I informed your Lordship that his Excellency considered it expedient that all the circumstances connected with the burning of the cabins and with the previous occurrences, should receive the fullest investigation. It is his Excellency's desire, that the inquiry should be so conducted as to ascertain not only the facts that have occurred, but the origin of the existing feuds, and that it should extend if necessary to the period of the races, three months ago, when the quarrel between the parties is said to have commenced." My first complaint is, that Lord Gosford did not make these intentions of the Government known, either in his notice to the magistrates, or in his public proclamation, the former of which was as follows:—"Having received his Excellency's the Lord Lieutenant's directions to have an investigation at the earliest moment at which it may be practicable, of all the circumstances and occurrences connected with the late outrage near Charlemont, I beg to inform you that the inquiry will be held at the court-house in Armagh, on Wednesday, the 20th day of January, 1835." The notice was—"Having received his Excellency the Lord Lieutenant's directions to hold an investigation into all the circumstances and occurrences connected with the late outrage near Charlemont, I hereby give notice, that I shall hold such investigation at the court-house in Armagh, on Wednesday next, the 28th instant, at the hour of eleven o'clock in the forenoon, when the attendance on that day is requested of all or any persons who can give information or representation respecting such outrages." In both these notices, it will be observed, that the inquiry into "the previous occurrences," is wholly suppressed; the effect of this was, that people who could and would have given evidence as to the previous occurrences, never thought of coming forward. The first ground of complaint, therefore, is, that the noble Earl did not give such notice as was calculated to carry into effect the directions of Sir Henry Hardinge. In the next place he did not advise with the magistrates as

to the witnesses to be summoned, and even when I asked for a list of the witnesses that were summoned, that was refused me—nor did he consult as to the topics of inquiry, but, on the contrary, he discountenanced inquiry into the origin of the disturbances, though the necessity was again and again pointed out to him. This is established by the evidence of a dozen witnesses, shewing that the act of violence by the Protestants was in consequence of the series of atrocities committed by the Roman Catholics. In the evidence of Thomas Sinclair, for instance, he stated that "Armagh races were the commencement of the disturbances of the country," and that "M'Mahon's (a Roman Catholic's) house was broken by way of retaliation for Glasse's house being broken, and M'Cutchev and M'Whinney (all Protestants) being beat." We have the same testimony also from the magistrate, Mr. Olpherts, Captain Rowland, and others. Here, then, was a series of acts of violence on Protestants, and although Lord Gosford was directed by Sir Henry Hardinge to inquire into them, although the necessity of that inquiry was shown, although Lord Gosford was requested by the magistrates to do so, still he would not go into that inquiry. Yet there was one reason why Lord Gosford should have been exceedingly anxious not to appear to blink that inquiry, because, in consequence of riots being apprehended at Armagh races, the sovereign of Armagh requested Lord Gosford to put them off, which, however, he would not do, and therefore, he himself was implicated in occasioning those disturbances. But how did he act? All the acts of violence suffered by the Protestants were passed by, and the Protestants were at once put on their defence, for the first act of retaliation, of which they were unfortunately guilty. And here I must notice, that I was greatly misunderstood by the learned Member for the Tower Hamlets, when I spoke on a former night. I was reported to have said, that the inquiry was conducted by partisans on one side only, and that even the witnesses were all chosen from one side, to the utter exclusion of rebutting evidence. What I did say was, that the inquiry was conducted as the case of one party, and, in proof, I said that evidence respecting acts of outrage, that were committed on the same day was rejected, on the plea that they would finish the case of one party first;

and then I said, why should it be so conducted, why was one party to be put on their defence more than another, where there were mutual acts of violence, and where both parties were implicated in outrages? In proof that the statement which I then made was correct, I will read an extract from a letter which I received from Mr. Green, a magistrate for the county—"Having gone through the evidence respecting the attack upon M'Mahon's house, Lord Gosford proceeded to inquire into occurrences that had taken place a day or two after, without doing justice to the Protestants, who had been so dreadfully beaten and fired upon the same evening that the house had been attacked; and upon my requesting to know from his Lordship if it would not be better to finish the transactions of Thursday before passing to a subsequent one—Lord Gosford said, 'why no—that is not the line we have laid down, we think better to hear one party first, and then if necessary, we can return and hear the other.'" My next statement was, that Lord Gosford denied the magistrates an opportunity of making their report by assuring them that none should be made, other than the transmission of the evidence; moreover he said publicly, that the beating of M'Whinney was the cause. Lord Gosford nevertheless made a report, as did also the stipendiary magistrate, to whose report Lord Gosford directs the attention of the Government as correct, and which report the magistrates were not permitted to see. Lord Gosford's report was as follows—"Sir—The investigation finished last Wednesday evening, after a very close and minute inquiry into the circumstances, which his Excellency was pleased to submit to our consideration. The principal feature in the business was the burning of seven houses in the townland of Anahagh, belonging to Catholics, and I confess this appears to me to have been a most wanton, atrocious outrage, and any attempt to palliate or soften the offence, failed in its object, and tended in no way to shake my opinion of the transaction." And then he concludes—"I am decidedly of opinion that the people of this country are well-inclined to live in harmony and good will with one another; and if the Gentlemen would in their respective neighbourhoods, use their influence in cultivating this feeling, the happiest results might be expected." This is Lord Gosford's report, which I did

not know to be in existence, until I saw it among these papers, but having heard that Mr. Jones had sent a report, I wrote to him saying, that though Lord Gosford had declared that there should be no report, yet that I understood that he (Mr. Jones) would send a report, a copy of which I requested to see. His answer was as follows:—"In reply to your letter of yesterday, requesting a copy of my communication to Sir Henry Hardinge, relative to the late inquiry, I feel regret that consistently with my idea of my duty, I cannot comply with your Lordship's wishes, at the same time, I should suppose by an application to the Government, your Lordship's object will be easily obtained." In consequence of this letter, with the advice of other magistrates, I wrote the following letter to Sir Henry Hardinge:—"Sir, some of the magistrates who assisted at the late investigation at Armagh, have expressed to me their dissatisfaction at the manner in which the inquiries have been conducted and reported on, and they have requested me to solicit from you a copy of the communication made to you on the subject by Mr. Jones. The circumstances under which this request is made, will I trust, be its own justification. It was an express understanding that no other report than a copy of the evidence was to be forwarded to you, and in consequence the magistrates separated without preparing a statement of their impressions respecting the inquiry, and the conclusions to which they were led by the evidence. It now appears that a communication has been made to you on the subject, the nature of which Mr. Jones does not hold himself authorised to make known to the magistrates, but of which he states his assurance you will favour me with a copy. I trust you will not find it inconvenient to comply with my request," &c. This request, however, was denied me by the Government. Now, in reverting back to Lord Gosford's report, it will be observed that he states that the investigation was agreeable to the directions of Government; but it did not embrace all the topics to which the Government directed his attention, but on the contrary it only examined one. The charge that was made against the yeomanry was so far from being touched upon, that the officer who commanded the corps said to have been implicated, although he moreover is a magistrate for the

county of Armagh, received no summons, and was not even made acquainted with the intention of holding the inquiry. In the next place, Lord Gosford says, that the outrage by the Protestants was most wanton and atrocious, and that "any attempt to soften or palliate the offence failed in its object." Why, Lord Gosford refused to inquire into the extenuating causes, the continued provocation and violence, so that the road had become impassable for Protestants, as will be seen intimated in the evidence given by one man of the name of Jackson, who said he had been attacked as many as ten times on that road; that he had informed Mr. Opherts, the magistrate, of it; and that he had also told Lord Charlemont of it, who said that he would acquaint Lord Gosford of it, in order to have a police station in that neighbourhood. Another cause of the exasperated state of feeling was the violence done to the Protestants at Armagh races, partaking quite of the character of assassination; one person going about and pointing out the Protestants to people who came from a distance, in order that those not personally known might be employed in these acts of violence on people of whom they also were perfectly ignorant, save that they were in this instance marked as fit subjects of vengeance; and a very aggravating circumstance in the case was the undue leniency of the Armagh magistrates when the ringleaders in these outrages were arrested. Another observation which I must make upon this report of Lord Gosford is the unjust insinuation thrown out against the gentry, as if they were the cause of the outrages: "If the gentlemen would, in their respective neighbourhoods, use their influence," &c. [*Loud cheers from the Ministerial benches.*] By those cheers I suppose that hon. Members conceive that these events took place in the vicinity of some great Orange landlord, but that is not the case. The proprietor is Lord Charlemont, and the magistrates in that neighbourhood are also chiefly of his Lordship's political sentiments. But, however, to return to the subject in hand: I say that the report which was sent by Lord Gosford, unknown by the magistrates, was very different from that which, had they been permitted, they would have sent. Another defective circumstance in the inquiry was, that many wounded people were not examined; this the evidence shows; in fact a witness of

the name of M'Cullen names three persons, Johnston, Holmes, and Cullen. On the second day of the examination I handed in to Lord Gosford the surgeon's certificate respecting the precarious state of Johnston, and on the fourth day of inquiry I mentioned the case of Holmes, and again called Lord Gosford's attention to the case of Cullen. These men were examined by Mr. Jones on the Sunday that intervened whilst the inquiry was going on; I have the substance of their examinations. One was a bell-hanger from a distance, who went into Armagh for wire; he was stopped and asked his religion, when upon his saying, "I will never deny my religion," he was knocked down and left for dead. Now none of this information was given to the Court by Mr. Jones, although of course they were very material features in the case; and here I will read a letter from Mr. Greer, a magistrate of the county, in confirmation of this fact:—"Mr. Jones (the stipendiary), upon the Sunday pending the investigation, visited in Moy three men, who had been beaten very nearly to death upon the evening of the attack upon M'Mahon's house, and having heard all they could say, told them 'they need not go into Armagh any more, as it was painful for them to move, and he would take their informations after the business was over in Armagh.' This he never has done. Those men had attended the three first days of the investigation; but in consequence of Lord Gosford having refused to hear the Protestants until they closed the Papist side, their evidence could not be heard." I have in my hands a return of at least twelve or fourteen more individuals who were also beat in this manner; and it is for an official return to the same effect that I now ask. Another point which I ask for papers to establish is, that some of the magistrates of the county were not summoned. I stated before, that this was the case; and I have letters from some of the leading magistrates of the county, to whom the Protestants would look with great confidence, gentlemen who preside at magisterial duties in the county, who attend the grand jury, and are gentlemen, as I before observed, who commanded the yeomanry to be implicated. I have here letters from these gentlemen, stating that they did not receive summonses. Another circumstance to which I objected was, that there was no sworn note-taker. I took notes for the first two days, which

I was not able to do afterwards; but when we subsequently went over the evidence, I found, by examination, that several most material points were not taken down; and, upon the fourth day of inquiry, when I had been cross-examining a witness, I observed that the note-taker was not taking any notes, and upon remonstrating, he told me, in reply, that he took no notes of evidence elicited upon cross-examination. Why, the case of the Protestants rested almost wholly upon the cross-examination, and I did not find out until the fourth day that none of this had been noted down. The next circumstance of which I complain is, that in consequence of the note-taker not being sworn, there was a necessity of the evidence being revised. Now, this revision was not made in open court, although the evidence was chiefly taken in open court, but it was made with closed doors, so that the witnesses could not be present to check the alterations that were made; and now there are parts of the evidence, as here reported, which are directly contrary to what the witnesses affirmed. In the evidence of M'Cready, for instance; he was in the house of M'Mahon when it was wrecked, and he stated that he "himself was an Orangeman," and, therefore, he was able to say decisively whether the people who committed this outrage were Orangemen, but this is not recorded in his evidence; but had it been, it would have cleared the Orangemen from being implicated in the business. M'Bride spoke to the character of M'Mahon's house; he stated that parties of a very exceptionable character assembled there, and that assemblies from M'Mahon's house frequently beat people; this is not recorded in the evidence. So also Williamson stated, that the houses were burned after the beating of the Protestants, which is not stated, though Sinclair swore that there were no Roman Catholics beaten at Clontilew races; this is changed into "it was not exclusively the Catholics who were beaten at Clontilew." Byers stated that two Protestant houses were burned; but the evidence says, that there was the house of one Protestant, who had a Catholic tenant. Atkinson, the chief constable, stated, that the men appointed by the Portreeve of Charlemont to keep the peace, when he took them, used no resistance before giving up their arms, which is changed in the evidence into their having "used force and resist-

ance before giving up arms." Donelly acknowledged, upon cross-examination, that he himself was convicted of the riots at Armagh races, and fined ten shillings; this is suppressed in the evidence: the evidence then, as here reported, is not trustworthy evidence. There was one point which I must state, in which I was led into error; it was with respect to the newspaper reporters. I supposed they had been excluded by Lord Gosford, in consequence of what I saw in the *Newry Telegraph*, "that the lieutenant and magistrates of Armagh have thought fit, for reasons best known to themselves, to interdict the publication of their proceedings on the interesting inquiry lately held in Armagh." When I wrote to the editor of the *Telegraph* for the order to which I conceived this alluded, his answer was, that the person whom he had employed to take notes was the same as had been appointed by Lord Gosford, and that Lord Gosford had interdicted him from giving a copy of those notes. This, he adds, taken "with the fact of having been myself authoritatively stopped by my lord Gosford at Portadown, where I attempted to report the proceedings at that investigation," led him to the conclusion that he was not allowed to publish the proceedings. I now proceed to make some remarks upon what I said on a former evening. I do not hesitate to say, that expressions, which not only affirm facts but impute motives, are highly reprehensible; they are always offensive, and, when separated from the connexion in which they were used, they are not unfrequently unjust. Such were two which I used; one which I remember, and one which I have been informed I uttered. The expression which I remember was, that the note-taker, not being sworn, gave occasion for the evidence to be garbled; the other expression was, that the tribunal was packed. Now I desire to withdraw these expressions, while I maintain the truth of these two assertions, that the evidence was incorrect and incomplete, and that the report was not the judgment of the majority of the magistrates, but the decision of two individuals, namely, Lord Gosford and Mr. Jones. Before I conclude, I must say one word with respect to the Protestants who have been assailed in their business. First, look at the different characters of the Protestants and Roman Catholics, as shown by the testimony of Osborne the

sub-constable; he passed through both parties. The Protestants said "they were only protecting themselves, and wished witness good speed;" but when he came to the Roman Catholics, "a man said that as he was a policeman, he was as bad as those that burned the houses, and ought to be killed, and with this, raised a musket at witness." On the other hand, see the harsh treatment that the Protestants received, and the leniency that was shown to the Roman Catholics. Respecting the Protestants who were arrested, they were keeping the peace, and were acting legally under the appointment of the Portreeve of Charlemont. Nevertheless, they were arrested—had their guns taken from them; though a certificate of registry was produced, the gun is still detained; and the people, after having been on guard all night, were kept confined until nine the following night, and then discharged only on the Portreeve undertaking for their future appearance, although there was no charge against them. On the other hand, the Roman Catholics who attempted the life of Mr. Williams were discharged on bail. And yet see the result of the assizes, in order to learn who really were the perpetrators of the outrages in Armagh. The number sentenced to transportation were twenty, and sentence of death was recorded against two: of these, nineteen were Roman Catholics, and three Protestants, in the proportion of six to one of the heavier crimes. The total number of convictions at the last assizes were thirty-two, of whom twenty-four were Roman Catholics and eight Protestants, making a proportion of three to one in the smaller offences; and this, be it remembered, in a county where the number of Protestants greatly preponderates over the Roman Catholic population. In conclusion, I would wish the House to bear in mind how the Magistrates were treated. They were not consulted as to the summoning of witnesses; it is true, that they had the power of cross-examining those who did appear, but the cross-examination was not taken down; it is true, that they were able to form an opinion upon the examination, but that opinion they were not allowed to record; and with respect to the Protestants, they were put on their trial without the ordinary means of making their defence. The noble Lord then concluded by moving for a return of "The chief constable's report of the outrages

which were perpetrated at the Armagh races in October last; the dying declaration of a man named M'Whinney; the committals of the persons charged with the assaults upon the M'Whinneys; the various bail bonds, with their several dates, and the amount of bail; the date of M'Whinney's arrest, and the cause; copy (if any) of the recognizances entered into by M'Whinney previous to admitting the offenders to bail; copies of any declarations or depositions taken by Mr. Jones, the stipendiary Magistrate, of men wounded by musket shots, or otherwise, about that time; the numbers, names, and religious belief of all men wounded by musket shots, or otherwise, at or about that time; copy of the reports from the stipendiary Magistrates, and of the reply from the right hon. Secretary for Ireland respecting the Portreeve of Charlemont; a list of the Magistrates summoned by the Lord-Lieutenant to the county of Armagh, at the investigation held in the town of Armagh in February last."

Dr. *Lushington* said, that on coming into the House that evening, it had not been his intention to offer any objection to, or throw any impediment in the way of, the production of any information or of any papers calculated to throw light upon these unfortunate transactions; and he should persist in that intention, notwithstanding the noble Lord's calling in his Motion for a return of the religious belief of all the parties who had been wounded in this transaction. He was willing that an attempt should be made to gratify the noble Lord even in this respect; and he would therefore make no objection to the production of any document that could throw light on this subject. The reason why he took part in this debate was this: the noble Lord, on a former occasion, had ventured to make assertions respecting the conduct of the Earl of Gosford, as Lord-Lieutenant of the county of Armagh, which had struck him not only with astonishment but also with alarm. If those assertions had been well-founded—if, when an official investigation had been instituted into a transaction by order of the executive Government, the officer intrusted with the task of presiding over the investigation had been so forgetful of his duty, and so regardless of public principle, as, instead of discharging his functions with impartiality, to have used them, not to elucidate the truth, but to throw censure on one

party that was not entitled to bear it, and to acquit from blame the party on whom it ought to fall—if such a charge was consistent with truth, it would have been the duty of the present Administration, and even of that Administration which preceded it, to have made an example of the Earl of Gosford, being such an officer, for the benefit of Ireland, for the sake of justice, and for the purpose of demonstrating that to whatever extent party feuds might proceed in Ireland, the Government would hold the scales justly and impartially between all parties, and would visit any officer with that exemplary punishment, which nobody would deny to be just, supposing him to have been guilty of one-tenth of the charges which the noble Lord opposite had brought against his noble Friend, the Earl of Gosford. He insisted that the charges which the noble Lord had preferred upon this occasion, and also upon another occasion, against his noble Friend were destitute of all just foundation whatever. He averred that two of the charges which the noble Lord on a former occasion had brought against his noble Friend, the Lord-Lieutenant of Armagh, were two of the most serious charges that could be brought against any man living. What were they? Nothing less than these; that his noble Friend had packed the magistracy which had to inquire, and that he had garbled the evidence which that magistracy had taken, and that he had deceived the Government to whom he had to transmit that evidence for its guidance, and that he had thereby committed the grossest injustice against the individuals between whose conflicting claims the Government had upon his representations to decide impartially. He would take the liberty of reading to the House the observations which had fallen from the noble Lord when he had formerly introduced this subject to the notice of the House. He would take those observations from no note of his own. He would refer to the most authentic record of their debates, and would consider that report as accurate, unless the noble Lord should now avail himself of the opportunity to retract the observations which he was therein reported to have used. The noble Lord was reported to have used the following expressions:—"The case was brought before the Irish Government, and an investigation was immediately ordered. The Lord-Lieutenant of the county, whose bounden duty it was

to act impartially, summoned only the magistracy of one party.—[Lord Mandeville: "I affirm that I did not say any such thing."]

If the noble Lord chooses continued (Dr. Lushington), to retract anything which he said formerly—and it is not for me to deny the accuracy of the noble Lord's memory—I will not pin him to the accuracy of any single expression; but for all the tenour of the speech, which I repeated, immediately after it was delivered, to the noble Lord, from utter astonishment, at the language which he had used, for the general correctness of the statement which I am about to read, I refer not to the noble Lord's own memory, not to my own memory, not to the *litera scripta* of the report, but to the recollection of every Member of Parliament who was present and heard the noble Lord's speech. This was not an insulated expression, for the noble Lord proceeded, according to the report, as follows:—"He (the Earl of Gosford) excluded all the Magistrates who were known to be friendly to the Protestant cause." Was that, he asked, the coinage, was that the invention of the reporter? Supposing that these were not the exact words of the noble Lord, had he not made declarations tantamount to them in effect and substance? But the report proceeded:—"This was a complicated inquiry involving the interests of two parties; why should the inquiry have been conducted by the partisans of one side only? The conduct of the Lord-Lieutenant was highly reprehensible. He selected his own court;—he formed his own tribunal;—he selected his own witnesses; for the witnesses chosen for examination were all from one side, to the utter exclusion of all rebutting evidence." It would be difficult for him (Dr. Lushington) to strengthen the force of his language; but if the noble Lord had used language of only one-tenth of its force, he would still have found it impossible, even after six weeks' elaborate study, to have produced anything like facts to justify it. But this was not all. The noble Lord further said—"The Lord-Lieutenant made the investigation partial. He excluded from it the public press. No official reporter was present, all that was done was done with closed doors, and was done with closed doors for the purpose of preventing a fair and impartial report of the inquiry from going before the public. I have stated this in order to put the House in possession

of information which I believe to be true. I say further, that no evidence was produced to prove that the parties who attacked the houses of the Catholics were Orangemen." Immediately after the noble Lord had concluded his speech, he (Dr. Lushington) had put to him four distinct points—and this was the note which he had taken of those points as soon as the debate was over, for the purpose of communicating them to his noble Friend, the Earl of Gosford. He had stated to the noble Lord opposite that he (Lord Mandeville) had said that the Earl of Gosford had packed the Magistrates who were to conduct the investigation. Secondly, that he had said that the Earl of Gosford had selected the witnesses to be examined, excluding those who could speak in favour of the accused. Thirdly, that he had said, that the Earl of Gosford had garbled the evidence, and had sent in a report founded upon the evidence so garbled. And fourthly, that he had said that there was evidence tendered, and not received, to prove that the accused were not guilty. He had put these four points to the noble Lord in language the most clear and explicit, and yet the noble Lord, after hearing the appeal then made to him, had never got up in his place to deny the language attributed to him on any one of those four points. If that language had been imputed to the noble Lord incorrectly, he would have gladly embraced the opportunity of repelling his (Dr. Lushington's) observations with indignation. But the noble Lord had done no such thing; he was silent then, why was he silent now? In justice to himself, in justice to the cause of truth, in common decency to the Earl of Gosford, it was the noble Lord's duty to have risen on the moment and said, if such was the case, "The charges which you suppose me to have made against the Lord-Lieutenant of the county of Armagh I never did make, and accordingly I repudiate them." Instead of that, what was the course adopted by the noble Lord? The noble Lord had let it go forth to Ireland for six weeks, that these were the charges which he had preferred upon good authority against the Earl of Gosford, and which he was resolved to persist in; and for that period, if the noble Earl's character had not been more impregnable than the noble Lord thought it to be, individuals might have apprehended that there was some slight mixture

of truth in those charges. He would now proceed to show that the statement which the noble Lord had made on a former occasion, and the statement which he had made on the present occasion, were both equally destitute of all just foundation. The noble Lord had said, that his noble Friend had packed the magistracy for the investigation. Now, how stood the fact? There were 37 resident Magistrates in the county of Armagh. A letter was written to the Earl of Gosford by Sir Henry Hardinge on the 24th of last January, requesting him, as Lord-Lieutenant of the county of Armagh, to investigate into the circumstances connected with the burning of certain houses near Armagh, and into the causes which occasioned such an outrage. Now, would the House, after the speech of the noble Lord, credit him when he said that of these 37 Magistrates every one was regularly summoned? And yet such was the fact. Of these 37 Magistrates 24 were opposed to the Earl of Gosford in politics. Six of the remainder were not of the same politics, but were neutral. There were then only seven Magistrates left. Now, on the first day of the investigation no less than 26 Magistrates attended. Of this number 16 were Tories. On the second day 14 attended,—of these nine were Tories, and five connected in politics with the noble Earl. On the third day there were 10 Tories present, and five not Tories. On the fourth day the Tory Magistrates present were to the others as 10 to 4; on the fifth day as 13 to 4; on the sixth day as 15 to 4; and, on the seventh day as 10 to 1. So much for the charge of packing the Magistrates. And he would soon proceed to show, from the letters of those Magistrates who were not connected with his noble Friend in politics, what were their opinions with respect to the charges made against the Lord-Lieutenant of their county by the noble Lord, and what they thought respecting the form of the proceedings over which his noble Friend had presided. The noble Lord had said, that no notice had been given to the Magistrates of the time when this investigation was to take place. Now, the letter of Sir Henry Hardinge, calling upon the Earl of Gosford as Lord-Lieutenant of the county of Armagh, to institute an immediate inquiry into these transactions, was dated, as he had before said, on the 24th of January, 1835. On receiving

that letter, the Earl of Gosford issued a circular, dated the 26th of January, stating that he should hold a public meeting for this investigation on Wednesday, the 28th of January, at which all persons who knew any thing respecting it, or who felt interested in it, were invited to attend—the earliest period at which the Lord-Lieutenant could give it, for he could not have received Sir H. Hardinge's letter, at the earliest, till the 25th.

Lord *Mandeville* was sorry to interrupt the hon. and learned Gentleman, but he had only spoken of the short notice given to the Magistracy—it was only given to them the day before the investigation commenced.

Dr. *Lushington*: And I am speaking on that same subject. On this point, thank God, there can be no misunderstanding between us.

Lord *Mandeville*: That notice is not a summons to the Magistrates.

Dr. *Lushington* admitted, that the noble Lord was correct if he meant, speaking of that notice technically, to say that it was not a legal summons for the Magistracy to attend the investigation, but on that point he would say a few words hereafter. All that he meant to affirm at present was, that his noble Friend without one moment's delay after he had read Sir Henry Hardinge's letter, had made it public to all the world that an investigation into these transactions was to take place before him as the head of the local authorities. This notice must necessarily have reached the Magistrates of the county, as well as the people in general; but the noble Earl did not confine himself to it. What was the next step which he took? He caused letters to be delivered personally to all the resident county Magistrates, informing them of the day fixed for the investigation, and inviting them to attend. The noble Lord opposite complained that the notice was short, but there was no blame attributable to the Earl of Gosford on this head, who, considering the urgency and importance of the question, had no right to delay the investigation. The noble Earl gave the Magistrates the fullest opportunity to attend; and, upon two or three of them expressing regret that the notice had not been longer, he declared his willingness to postpone the inquiry, if the bench thought proper, but the proposition was rejected by a majority of the Magistrates present. The noble Viscount had contended, that according to the terms

of Sir Henry Hardinge's letter, the Magistrates were bound to enter into a more extended investigation than they did, and he blamed the Earl of Gosford for this, as if he alone were responsible for the course agreed upon by the whole court. The noble Lord had also stated that the noble Earl concealed from the Magistrates the extent to which Sir Henry Hardinge wished the inquiry to be carried, and that he exerted himself to limit the investigation. Sir Henry Hardinge's letter of the 21st of January to the Earl of Gosford states—"It appears to his Excellency expedient that all the circumstances connected with the outrage committed by the burning of the cabins and with the previous occurrences should have the fullest investigation by the Magistrates assembled at such a place as your Lordship may deem most convenient." In a subsequent letter, dated Dublin Castle, 24th January, 1835, the right hon. Baronet says—"His Excellency concurs with your Lordship in thinking that Armagh would be the most convenient place for the investigation of the circumstances connected with the late outrage near Charlemont, and he is desirous that the inquiry should be commenced at the earliest moment at which it may be practicable." It appeared, then, that the noble Earl in summoning the county Magistrates as soon as possible was merely acting in obedience to the instructions he had received from the Irish Government, he only attempted to fulfil the command of Government. Sir Henry Hardinge further said—"In my letter of the 21st inst. I informed your Lordship that his Excellency considered it expedient that all the circumstances connected with the burning of the cabins and with the various occurrences should receive the fullest investigation. It is his Excellency's desire that the inquiry should be so conducted as to ascertain, not only the facts that have occurred, but the origin of the existing feuds, and that it should extend, if necessary, to the period of the races, three months ago, when the quarrel between the parties is said to have commenced." It could not be contended that the noble Earl should have set forth all this in his general notice or his letter to the Magistrates; but he did state that the inquiry was instituted for the purpose of investigating "all the circumstances connected with the late unfortunate outrage." These

were the terms of the noble Earl's public notification, and they fully embraced the spirit and meaning of Sir Henry Hardinge's directions. It should be borne in mind that there were no positive directions given by Sir Henry Hardinge to carry the inquiry back to the period of the races. It was to be extended to that time only in the event of its being considered "necessary" by the Magistrates. Upon this two questions arose—first, ought the inquiry to have gone back further than it was carried by the Magistrates; and next, if it ought, was the Earl of Gosford to blame for the limitation actually given to the investigation? He did not hesitate to say, after perusing the evidence which had been offered in this case, that it was not necessary to go further back with the inquiry than the point to which it had been carried, and he was persuaded that other hon. Gentlemen, after reading the documents, would be of the same opinion. But, be that as it might, he affirmed that Lord Gosford did not stop or limit the inquiry, he had the authority of the noble Earl to declare, that he did not. A discussion arose on the subject among the Magistrates, and it was determined by a majority to limit the inquiry and confine it to the points which it eventually embraced. Did the noble Viscount enter a protest against this supposed violation of the directions given by Sir Henry Hardinge on the part of the Lord-lieutenant? Did any other Magistrate? Was any charge made at the time against the conduct of the noble Earl and the Magistrates who limited the inquiry? Could any trace of a protest or other written document be shown in relation to the point? If not, and it was fair to assume, that there was nothing of the kind, as the noble Viscount had not produced it, it was too much to impute to the noble Earl, as a serious fault, the sole blame of not carrying the inquiry further back. Having disposed of this, he proceeded to another charge brought forward by the noble Viscount, relative to the production of witnesses. The noble Lord charged the Earl of Gosford with selecting witnesses to prove a one-sided case; now, what were the steps taken with respect to the collection of evidence? In the first place, there was a general notice issued calling upon all persons interested to attend and give evidence; 2nd, directions were given to the police to summon all necessary witnesses; and 3rd, Sir Frederick

Stovin, who was at the head of the Constabulary force, gave in a list of witnesses, most of whom were Orangemen. Was there any partiality, selection, or packing of evidence here? He asked, whether any Magistrate had suggested the propriety of examining any individual whose evidence was refused? Had any testimony been rejected? Did anybody offer to give evidence, and was he not summoned? He positively answered these questions in the negative. The noble Earl had summoned every witness whose name was given in; he issued orders to the police to bring forward all who could give evidence, and he refused to examine no one who offered himself. Of the witnesses examined twenty-six were Protestants and nineteen Catholics. There was no proof of any intention to stifle inquiry by refusing to receive the testimony of any man; the presumption was quite the other way. Was this a case in which the Protestant party were without assistance and support? Far from it. Was not the noble Viscount opposite present? Did the noble Viscount require any one witness to be summoned, and had the demand been rejected? In truth the investigation was carried to the utmost extent possible, with a view to ascertain the truth; and if it had ended unsatisfactorily, the fact must be attributed to the calamitous state of society in that country, and not to any misconduct or failure of duty on the part of the Magistracy. The next point related to the manner in which the investigation was conducted, and the evidence taken. The Earl of Gosford, being anxious that notes of the evidence should be taken with the utmost accuracy, applied to the Clerk of the Peace (an individual not at all connected with the Catholic party), and that gentleman selected Mr. Blair to take down the evidence, as a person well qualified to do so. When he said, that Mr. Blair was connected with the Newry Press, he supposed no man could doubt what that gentleman's politics were—in fact, he was an Orangeman, and connected with a high Orange paper. An attorney was present at the investigation, who, he believed, was connected with the noble Viscount. [Lord Mandeville observed, that he was connected with the gentleman in no way whatever, except as his client.] Well, he really did not see what closer connexion could exist than between attorney and client. He maintained that

the investigation was not an *ex parte* one—that the Protestants were sufficiently represented and supported among those present, and that both parties had been fairly dealt with. The Earl of Gosford had acted not only with integrity and strict impartiality, but with a wise caution, as if he had foreseen the possibility of something like the present proceeding, groundless and preposterous as it was. The notes of evidence were corrected by the Magistrates present, by Mr. Jones, by the Clerk of the Peace, and the noble Viscount himself suggested occasional corrections. The noble Lord complained of omissions in the report of the evidence: did he at the time insist on the cross-examinations of which he now spoke being taken down, and if a refusal were returned to the demand, did he enter his protest? No, the noble Lord did no such thing. Was it not too much then, that he should now come down to the House and become the accuser of the noble Earl? He would next read extracts from letters written to the Earl of Gosford by certain individuals who were present at the investigation. One gentleman wrote to this effect—"The charge made in the *Dublin Magazine* vanishes into thin air before Lord Mandeville's attack. You in your House, and I hope somebody in the other House of Parliament, will denounce and destroy such infamous and false statements." Among the letters were communications from Sir Frederick Stovin and Mr. Jones which he should next quote. One was to this effect—"I have seen a reported speech of Lord Mandeville, in which he makes various allegations against your Lordship's conduct at the late investigation in Armagh; to all these charges I can give the most unqualified contradiction. A more open and impartial inquiry I never witnessed, and you evinced the greatest anxiety to extract from the witnesses the whole truth. The reporter of the Newry paper obtained permission from you to take the evidence, and so far from the witnesses being selected, I, for one, did not know the nature of the evidence they were to give. In the other letter it was said, "I have seen Lord Mandeville's speech; a more unjust attack was never made." A letter from Mr. James Jones, a Justice of the Peace, was as follows:—"I wish to express my full concurrence and approbation of the mode in which the late investigation at Armagh was conducted. You acted with perfect impartiality towards

all. If I were disposed to cavil at your Lordship's conduct, I should say, that you appeared to give too much indulgence and freedom to all parties." He believed that this was the only censure which it would be possible to pass on the Earl of Gosford—that he listened too readily to the extreme partisans on both sides. In a letter written by Mr. Olpherts, a Magistrate of Armagh, that gentleman said—"I freely tender you my testimony, that it was not in the power of man to act with more uprightness and impartiality than you did during the entire investigation. As to the charge of your having selected your own Court and witnesses, there was public notice given of the inquiry, and you caused private letters to be sent to every Magistrate in the county. I never remember so many Magistrates attending on any occasion. I may add, that they were chiefly of Conservative principles: several Orange witnesses were examined, so that as to the constitution of the Court and the character of the witnesses, Lord Mandeville is in error." The next letter was from the reverend James Blacker, a gentleman who, unless the information communicated to him was destitute of all foundation, did somewhat lean towards the Orange party; of course, he (Dr. Lushington) was ignorant of local politics in Ireland, but nevertheless, he believed he might venture to say, without any fear of contradiction from the noble Lord opposite, that Mr. Blacker's principles were a little more congenial with those professed by the noble Viscount himself, than with the political sentiments of the Earl of Gosford. Notwithstanding which, hear the reverend Mr. Blacker's letter to the noble Earl:—"I have this moment read with great regret, in one of the London papers, an attack made by a Member of the House of Commons upon your Lordship's conduct, both as to summoning Magistrates to attend the investigation who agree with you in politics, and as regards other matters equally without foundation. As one differing from you in politics, I think it right to say, that *I* was summoned." [The reverend gentleman very properly put a dash under the *I*] "and *I*" [a dash again] "attended almost every day, and without flattery, your Lordship will permit me to add, that I never witnessed more impartial conduct in a Chairman in my life." This was the testimony of the reverend Mr. Blacker, a political opponent

of the noble Earl, but an honest and truth-speaking man, who came voluntarily forward to exculpate the noble Lord, and vindicate the cause of justice in the eyes of the people of Ireland and England. He held in his hand several other letters to the same effect, but thought it would be trespassing on the time of the House needlessly to read them. He had produced, or was ready to produce, letters from eight Magistrates—from Sir Frederick Stovin, Mr. Jones, the stipendiary Magistrate, and six county Magistrates, the majority of whom were of different politics from the noble Earl. If evidence like this could not contravene the shadow of a charge still unretracted by the noble Lord, how was it possible for justice to be done in this case? The House must weigh and balance this testimony against the noble Lord's charges, unsupported by any written document—charges with one set of which the noble Lord came down on one day, and with another set on another day, the latter as destitute of foundation as the former. The noble Viscount now charged the Earl of Gosford with a breach of engagement, and stated, that after having promised the Magistrates that the evidence taken in the course of the inquiry should be transmitted to the Lord-lieutenant without note or comment, the noble Earl nevertheless forwarded a Report along with it. He denied that any such promise was made on the part of the Earl of Gosford. Further, he declared, it was understood that the Earl of Gosford was absolutely bound in performance of his duty to make such observations on the case as were necessary for the attainment of the object of the inquiry. Had any one Magistrate ventured to assert that such an undertaking had been made by the Earl of Gosford? Could any minute be found on the record of the proceeding, that the evidence was simply to be transmitted to the Castle without note or comment? No such minute was to be found; and he asked the House, whether every syllable contained in the Earl of Gosford's letter was not fully borne out by the papers on the Table? A more moderate Report, or one couched in briefer terms, could not easily have been made. What was its sum and substance? The Lord-lieutenant of Ireland was in a great measure left to form his own opinion of the transaction, a desire being at the same time expressed, that he would also consult

the Report of Mr. Jones, the stipendiary Magistrate. But it appeared that it was likewise ground of complaint with the noble Viscount (Viscount Mandeville) that the stipendiary Magistrate had sent a Report to the Castle. Why, it was the duty of the stipendiary Magistrate to send a Report, and what right had the noble Viscount to prevent him from executing that duty? On the part of the Earl of Gosford he challenged every inquiry into that noble Earl's conduct. The noble Earl wished for nothing more than the fullest investigation, the most ample production of documents, and the most scrutinizing examination of every act he had done, and of every order he had given. The noble Earl denied *in toto* all and every one of the charges brought against him by the noble Viscount, not merely the charges made six weeks ago, but the softened charges of the present day, and the noble Earl authorized him (Dr. Lushington) to declare that they were all utterly destitute of truth and foundation. And in justice to his own character, to the high situation which he filled in Armagh, in justice to the people of Ireland, and the inhabitants of that district, whose interests must suffer if his character were deteriorated, by being considered unworthy of a trust delegated to him as a Representative of the Crown, the Earl of Gosford demanded at the hands of the noble Viscount a further and complete investigation of all the transactions; or he required, as a measure of justice not to be denied, the unqualified retraction of the charges made against him—charges which he deemed false and calumnious. The noble Earl, too, was astonished at the quarter from whence these charges sprung; proceeding as they did, not from an individual who might by accident have picked up vague rumours, but from a Magistrate of the county, present during the proceedings in question, who ought, consequently, to have known with accuracy all that had passed, and who, let him add, from his connexion with the noble Earl himself, should have been the last person to have given utterance to them. Whatever course the noble Viscount might take, he would now appeal to the House and to the public—not to Tories nor to Whigs, not to Catholics, nor to Orangemen, though in the instance of Mr. Blacker it was shown that political feeling did not always destroy common honesty and common integrity—but, he

repeated, to the House and to the country; and he asked, whether he had not refuted every charge made by the noble Viscount opposite? His object had been to relieve the noble Earl (the Earl of Gosford) from the possibility of any tarnish attaching to his character, which had throughout his public life hitherto continued unstained. He trusted that he had succeeded in this object, and he wished that the noble Viscount opposite might have the good fortune to relieve himself as well.

Colonel Verner did not rise for the purpose of answering the speech of the hon. and learned Member who had just sat down but because he felt called upon to make some observations on the present occasion. Notwithstanding all that the hon. and learned Gentleman had said, he could not help asserting, and this was the feeling of others as well as of himself, that it was his impression that the investigation was neither a fair nor an impartial one, and consequently that blame rested somewhere. But in saying this he begged it to be clearly understood that it was by no means his intention to impute to Lord Gosford anything like improper conduct. He meant to bring no such charge against the noble Earl, but he did mean to declare, that it had been considered by many persons, fully competent to form a right judgment on the subject, that the investigation was not conducted either fairly or impartially. This was the opinion which he entertained, and if the house would allow him he would state the grounds upon which the conclusion at which he arrived had been formed; but before he did so he wished to say, that it was at his request the postponement of the present motion took place in the first instance. He was present on the first day of the investigation, and he heard the letter of Sir Henry Hardinge before alluded to, and that right hon. Gentleman's instructions to Lord Gosford, read. Those instructions certainly stated that the investigation was not to be confined alone to the outrages recently committed, but was to go back, if necessary, to the period of the previous races, which took place the October before; and that such was the intention of the Irish Government was obvious from the evidence of several persons who were examined, for both Mr. Olphert and Sir Frederick Stovin, stated that the recent outrages originated in the proceedings of the previous October races. He

must here state, that the names of several persons who were too severely wounded to attend in court were handed to the stipendiary Magistrate, who in consequence received their evidence at their own houses.—He would not take upon himself to detail what passed on those occasions; but if the House would permit him he would read the affidavits of those persons, and leave hon. Members to judge for themselves whether or not Mr. Jones fulfilled the duty which devolved on him as he was bound to have done by producing these depositions at the investigation. The hon. and gallant Colonel read affidavits from persons, stating that they had been attacked, and so severely injured by the Catholic party, as to be unable to attend the investigation. He should say, with regard to himself, that his character having been assailed by that Gentleman (Mr. Jones)—and there was a disposition on both sides to allow Gentlemen who had been assailed in the course of these transactions, an opportunity of defending themselves—it was but fair that that Gentleman should be called upon to state upon what authority he had identified him (Colonel Verner) with the party which committed the outrages, and should give him an opportunity of clearing himself from such an imputation. The reason why the evidence of certain persons was not taken at the investigation, with the leave of the House, he would then explain. At the commencement of it there was an understanding that the evidence was first to be heard only upon one side, and several persons who were attending upon the other having waited three or four days, and it still appearing that they were not likely to be soon called, were told that they might go home; they did so, and the investigation was closed without hearing their testimony; fifteen persons were thus dismissed, and sent away to their own homes, with material evidence to give who were never afterwards called. He would take the liberty of telling the hon. Member for Armagh, if he entertained the idea that the copy of these proceedings would show the outrages to have been committed by Protestants, it was an opinion so at variance with the fact, that, in the report of the investigation, there would be found the testimony of no less than eleven persons, who swore they did not know that there was an individual of the Orange party present at the burning

of the houses; he should say, therefore, that it was an unjust insinuation of the hon. Member, and that it would have been more becoming of him if he had refrained from making observations as to the persons who were present at the outrages until the termination of the assizes, especially as many of them were about to take their trial at these assizes against whom such observations might create an unfair prejudice in the public mind, and the result of these trials would prove whether the hon. Member was justified in his statement or not, at present, as his noble Friend had already stated, out of twenty-five persons who had been tried, convicted, and sentenced to be transported for being concerned in these offences, three alone were Protestants. Let hon. Members look for a moment at the conduct of Mr. Jones, the stipendiary magistrate, in the case of the persons who attempted to commit the outrage upon M^r Whinney and his family; when they were brought before him he denominated the offence a common assault; but when he perceived the feeling which was created in the court by such a declaration, he altered his opinion, and called it a bailable offence; and what was the result of the trial of these very persons? four out of the seven who were committed, were convicted and sentenced to be transported for an offence, which was in the first place, designated by that Gentleman as a common assault, and in addition to which, the judge, in passing sentence upon them, made the observation that they might thank the merciful interposition of Providence that he was not then passing sentence of death upon them; but notwithstanding all this, strange as it might appear, these were the persons, who having committed such an outrage, were permitted to go at large on bail, while, through the peculiar manner in which justice was administered in Ireland, the only individual who was committed to prison, was the unfortunate man upon whom the outrage was perpetrated; this man was arrested and put into prison, that he might be compelled to prosecute, to allay the feelings of the people, the Magistrates having taken bail so sufficient, that a report was circulated they had been bribed, and these were the men who had been put in the place of those Magistrates who always did their duty honestly and conscientiously. The hon. and gal-

lant Member then read some letters containing details of some of the proceedings connected with the outrages, and the treatment of the witnesses who had given evidence in the case of M^rWhinney and concluded by saying—the hon and learned Member, Doctor Lushington, had stated that these letters were from Gentlemen who were friendly to his (Colonel Verner's) interest, but he begged to say that three of them were from those who were adverse to him, and that the others were from an agent of a noble Lord who had also been an opponent of his. He should not have troubled the House, had he not thought it right to put it in possession of these facts.

The *Chancellor of the Exchequer* said, that the hon. Gentleman who had just sat down had put the House in possession of one very material fact, namely, that he did not mean to charge the Lord Lieutenant of the county of Armagh with any improper conduct. This was most material to the subject under discussion, because the Question they were called upon to determine that night, whatever might be the form of the Motion, or whatever the extrinsic circumstances connected with it, was the conduct of the Earl of Gosford in that capacity, charged as he had been distinctly by the noble Lord opposite, with having packed his tribunal, with having refused to call witnesses, and with having garbled evidence which he afterwards transmitted to the Lord-lieutenant of Ireland. The noble Lord had, in the course of the few words of mitigation and apology which he had felt it his duty to utter on the occasion, thought proper more than once to express his regret at having ever made use of those offensive terms. He retracted the words, but he adhered to the fact. Why, where was the fact to which he did adhere? Where was the single fact which had not been taken from him by the irresistible statement of facts made by the hon. and learned Member for the Tower Hamlets (Dr. Lushington)? If the noble Lord thought there remained one shadow of a fact by which to sustain his refuted accusations, all he could say was, that not one unprejudiced person in that House, or out of it, could accompany him in the conclusion at which he arrived. He had expected—indeed he had hoped—that the noble Lord would have made himself acquainted with the real state of the case,

and have adopted a different course. He was aware that these calumnies—he would retract the word—he had no right to use it—these statements unsupported by fact, had been circulated in all the newspapers of the land at a period of considerable excitement; the noble Lord had since had an opportunity, he believed, of visiting Ireland, and of communicating not only with the Magistrates whose evidence had been adduced, but with all the Magistrates who had attended on the occasion. Had he profited by this opportunity? Had he produced, or could he produce, evidence to support his statement? If he could not, would it not have been a more manly as well as a more Christian proceeding to have come forward and done justice to an injured man, instead of making at the latest moment an insufficient and inadequate apology? Our noble He (the Chancellor of the Exchequer) would say, that that was not a condition in which any man coming forward as the noble Lord did as a public accuser, but who now appeared as the party accused, ought to be placed—it was not a course which any honourable man was bound to take. He was sure that the friends of Lord Gosford, and the friends of good government, would not regret the hands into which the defence of the noble Earl had fallen. A more complete or more triumphant defence could not possibly be made. At the same time that he said this, he could not but regret that they had not there any Member of that Government under whose authority Lord Gosford had acted—whose orders he had carried into effect—and between whom and the noble Earl himself the correspondence had taken place. He did not mean it as a reproach, but the Members of that Government were not there. They were not there either to support the noble Lord, and condemn Lord Gosford, or to throw the shield of their protection over Lord Gosford. The present Ministers were unconnected with the matter, except in so far as the interests of justice were concerned. He rejoiced that the defence had fallen into the hands of his hon. and learned Friend against the formal accusation preferred by the noble Lord. The noble Lord had been the performer in that great drama of which they had long heard so much; the noble Lord was not only the main but the singular performer on the stage in this formal drama. When the

noble Lord sat behind on those benches where they, the present Ministers, now sat, he had told the noble Lord that when next he introduced this subject, it ought not to be by a mere motion for papers, from which nothing could result, but that he ought to prefer a direct motion upon which the opinion of the House could be pronounced, and that it was not fit nor proper to wound in a debate the character or honour of any man, nor to make allusions particularly to one in the position of Lord Gosford, who was administering the functions of Lord-lieutenant for the purpose of criminating him. If the noble Lord were convinced of the accuracy of the facts which he stated, he could tell the noble Lord, that, as a Magistrate of Armagh—as a well-wisher to the peace of Ireland—as one deeply interested both by the responsibilities of his situation and position in the well-being of the country, the noble Lord was bound not to confine himself to a paltry motion for papers, and thus in directly attack the character of Lord Gosford; but he was bound to bring forward a direct resolution of censure upon that noble Lord. He could tell the noble Lord, that if he had brought forward his Resolution of censure, the House would have met it with one burst of indignation. There was not a shadow of pretence for accusation—there was not even a shade to rest upon the character of Lord Gosford. Let them see under what circumstances the proceedings of Lord Gosford were made the subject matter of attack. The closing passage in that noble Lord's letter was objected to. "It is my decided opinion," said the Lord-lieutenant of the county of Armagh, "that the people in this county are disposed to live in harmony and good-will with one another, and if the gentry in their respective neighbourhoods would use their efforts to cultivate that disposition, it would be attended with the happiest results." Was it to be believed that a statement of that description would be brought forward in the House of Commons as a charge against Lord Gosford? But then it was insisted by the noble Lord, that this was an unjust insinuation, that it was to suggest that there are persons in Ireland not disposed to live in harmony and good-will with one another. Now, if there was any doubt upon this subject, if there was any living man who knew so little of the North or the South of Ireland

(for the description could apply to persons on both sides), if there was any man who had a doubt upon this subject, he would appeal to the evidence of the noble Lord himself—to his conduct all through this transaction—to the charges which he preferred without any notice—to the charges, which he now repeated after he had had time to make a deliberate inquiry—to the charges which he never should have revived after he had held that inquiry—he appealed to any man who had a doubt upon such a subject, whether or not there were hon. Gentlemen—ay, and noble Viscounts too—to whom a little admonition of living in peace and harmony with their fellow men was not required—an admonition which, he repeated, it was all their duty to respect, and on which they would do well to commune with their own hearts, and regulate by its principles their own actions? But the Gallant Officer (Colonel Verner) acquitted Lord Gosford, and brought forward new charges, by calling into question the conduct of Mr. Jones, the stipendiary Magistrate. Now, after the extraordinary speech that they had heard made—one, too, he would venture to say, unexampled in Parliamentary annals—after seeing the utter failure of complaints, there being no possible ground to sustain the smallest charge, he was not, certainly, inclined, without more inquiry, to condemn Mr. Jones. He must say, from the whole of the proceedings of Mr. Jones, as far as he could collect of the transaction, he saw nothing to condemn in the conduct of that gentleman. But, perhaps, Mr. Jones, not being connected with the party of the noble Lord, had created some alarm. Mr. Jones was sent to that country under the orders of Sir Henry Hardinge, and he was acting under the authority of the late Lord-lieutenant. He should not go further with the case of Mr. Jones. He wished to keep to the point, as it was the case of Lord Gosford. That House was called upon to judge respecting the charges preferred against that nobleman—that House would discharge its duty by scouting them. Allusion had been made to some gentlemen, Magistrates, who had so honourably come forward, who were not sent for by Lord Gosford—who were not connected with him, and yet were anxious to do him justice. He only wished to add one to the very few points which were not dwelt upon, as he recollected, in the very powerful state-

ment delivered by his hon. and learned Friend. He wished to add a few words upon the subject of the reverend Mr. Blacker, the brother of a gentleman who formerly held the commission of the peace, and whom, he believed, Lord Gosford had, as Lord-lieutenant, from some cause connected with party, removed from his commission of the peace. Here the reverend Mr. Blacker, the brother of the individual removed from the commission of the peace by the agency of Lord Gosford, or under his sanction—here that individual came forward to support that noble Lord. He did so like a gentleman, and he thanked God there were such men of all parties in Ireland. He saw his political opponent unjustly attacked, and he brought forward his honest and unsuspected testimony to the integrity of Lord Gosford. He should wish to call the attention of the House to one or two facts. As to the mode in which the Magistrates were summoned, he would wish to remark upon that, in addition to what was said by his hon. and learned Friend. The Magistrates were summoned in the only way which it could be proper to have them summoned. The Lord-lieutenant wrote a letter to the acting clerk of the peace, Mr. M'Kenzie and who was not, he believed, connected in political feeling with Lord Gosford. By the direction of Lord Gosford, the acting clerk of the peace, who had a list of the Magistrates, sent a circular to each of the resident Magistrates of the county. Nothing could be more fair or impartial. This meeting was an open meeting; and those who imagined that Lord Gosford had held a secret meeting, and that he would withhold testimony, had only to be informed, at least it was only necessary for the Irish portion of the House to be informed, that amongst the persons who were constantly present was the reverend Mortimer Sullivan—and it was not at all likely he would have been introduced into the assembly if the object were not entire impartiality. Under those circumstances, he wished again to remind the House of the fact, that most serious charges had been brought forward involving the character of one of the highest Magistrates in Ireland—charges which had been repeatedly postponed—he thought, on some occasions, improperly postponed; and upon others inevitably so—that at length they had come to issue in that House upon these

charges—they had been heard, and they had been answered; and he now firmly asked that House, and through them he asked the country, was there any man in that House (and if there was, let him rise in his place), who, with the exception of the noble Lord, would, on the present occasion, say that Lord Gosford had either packed the tribunal, refused to call witnesses, or garbled the evidence? Was there any man so inveterate in his prejudices as not to agree with the statement of his hon. and learned Friend. If there were none, then he congratulated the noble Lord on his pre-eminence, in having brought charges affecting the public character and the private honour of a distinguished man, and then standing alone persisting in those charges, after they had been fully refuted. Against the force of those angry charges he must oppose his firm and distinct defiance; but he would take the liberty of making an appeal to the honour and sense of justice of the noble Lord himself. If it should be the feeling of that House—and such he knew it to be—that such charges met with an entire refutation in that House, even at that moment, late as it was, he would tell the noble Lord, that, gaining by the experience he must have obtained in the course of that discussion, he should at the last hour retract the charges which he had made; or the noble Lord should take the other alternative presented by his hon. and learned Friend—he was bound to put his charges in train of inquiry. Let him give notice for a Committee to inquire into the conduct of Lord Gosford, he promised the noble Lord that the Government—that they who were the friends of Lord Gosford, would be the first to second such a proposition; or let the noble Lord express his regret that he had ever brought forward charges which were so unsustainable. He put it to the noble Lord, that he had only in consistency one course to pursue—not that that House, or that the country, refused investigation, for he knew that they were satisfied; but if the noble Lord could not prove the statements that he had made—if he knew that they could not be proved, then, in justice to himself—in justice to that House, and in justice to the country, he should abandon his attack, and express his regret that he had ever made it. The noble Lord had it yet in his power to do this. Let him entreat the noble Lord not to stand alone in that

House, as a person who brought forward an accusation which had nothing to support it. He regretted that they had not an opportunity of coming to a distinct vote upon this question, but that opportunity had been withheld by the noble Lord. If the noble Lord had taken another course, he should be ready, as under the present circumstances he was perfectly ready, to meet it at once, and negative any charge that the noble Lord had made. He would wish to restrict himself, as that alternative might be at once taken. No notice had been given of such a course, and it might be said, however untrue, that such a vote was taken by surprise. He put it again to the noble Lord to make the now only amends that it was in his power to make; for he was sure the hon. Friends about the noble Lord would not support him in the charges he had made, and they must wish to extricate him from the difficulty in which he had placed himself.

Lord Acheson said, that, after the very able and zealous manner in which the conduct of his noble relative, the Earl of Gosford had been advocated by his hon. and learned Friend below him he should trespass very briefly on the time of the House. He would refer only to two of the charges. First, in answer to the noble Viscount's doubts as to the proceedings having been taken far enough back, he would refer to the letter of Mr. Blacker; secondly, as to the hearing of witnesses. The noble Lord (Gosford) had distinctly declared that he was ready to hear any witnesses who might be brought forward for the purpose of sifting the matter to the bottom, and coming to a fair conclusion. For the rest, in respect to the present motion, he (Lord Acheson) wished to speak of it more in sorrow than in anger. He had a right to complain, perhaps, on the part of his noble relative, that it had been brought forward without notice, and that against an individual who could not by any possibility defend himself. At the same time he would say that the noble Viscount had placed himself in a predicament in which he stood bound, either to retract or go on with the accusation which he had advanced; and on the part of his noble relative he was authorised to declare that the more rigid and strict the investigation the better he should be satisfied. If any hon. Gentleman, therefore, had anything to say upon

the subject he begged it as a favour that he would not hesitate to do so. In conclusion, on the part of his noble relative, he begged to thank the House for the kind and flattering manner in which they had treated the matter.

Mr. Shaw said, that, considering the near connexion of the parties—their station in society—and the relative position they held in Ireland—where few such residents were to be found, he had, from first to last, sincerely regretted those proceedings. He had, at an earlier stage of them, used his most anxious efforts to put a stop to them; he deplored the difference of opinion between the two noble lords having been ever brought before the public; but his noble friend (Lord Mandeville) having expressed his regret for, and retracted the offensive expression complained of, as being too strong, but still maintaining his opinion that the investigation at which his noble Friend had personally attended, was not on the whole fairly conducted, he felt that his noble Friend could not, to please a majority of that House, say what he did not think, and, with every respect for the noble Earl, and for the hon. and learned Gentleman who had defended his conduct, and for his noble Friend, if he would permit him to call him so, who had just sat down, he was obliged to add that, in the debate of that night, at least as far as the noble Viscount (Viscount Mandeville) near him was concerned, he had not met with treatment calculated to conciliate. The charge alleging the garbling of reports and packing of the Court, his noble friend had withdrawn, but he was now placed in a very peculiar situation. His noble Friend was a resident in that country, faithfully and efficiently discharging the various duties required of him as a country gentleman, a landlord, and a Magistrate. No one not residing in Ireland, and not knowing the noble Lord, his family, his connexions, and his influence, could set an adequate value on his residence in that country. His residence there, and his intercourse with the people, should not be objected to him. Was the question of residence in a country suffering so deeply from absenteeism, and every question of private and social life, thus to be mixed up with politics. There was a cheer when he said that his noble Friend was in a peculiar position. He did not expect to see this subject taken up

with such a strong manifestation of party feeling on the other side. His noble Friend considered himself justified, and others agreed with him, in acting as he had done. The facts were these; he was present at the first inquiry, and he left it with a feeling of dissatisfaction. He did not think it was fairly conducted. Some of the facts he stated were admitted. Yes, it was admitted that some of the Magistrates were not summoned—[from the Opposition side. The resident Magistrates were]—No they were not all summoned ["Name!"] his noble Friend named three or four who were not summoned. He (Mr. Shaw) recollected one, Mr. Green [from the Opposition—he did not reside in the county.] He surely resided in the vicinity. It was not fair in such a case to draw an imaginary line of boundary, and, by the accident of locality, determine what was and was not residence. Though a man might be separated by a stream or a ditch from a county, yet, if a Magistrate of it, he should surely be invited to an investigation like that, as he was summoned to Grand Jury and other Magisterial duties. He (Mr. Shaw) was stating that the impression of his noble Friend was, that the conduct of the investigation was improper. There was another fact of which he complained, namely, that the investigation was too limited, and did not go back to the occurrences of the races, which were connected with these transactions, and led to them. A third fact was, that a cross-examination of certain witnesses would not be suffered. His noble Friend did object to those proceedings; but it could not be expected that, as was said, he should enter a formal protest in Court. He thought, and so did others at the time, that it was agreed no Report was to be sent to the Government, at least sufficient transpired in Court to warrant the impression. His noble Friend was ready to retract any offensive expressions he might have used, and regretted them; but it could not be expected he would go further, and retract, as he retained his original impression still, whether well founded or not. He disapproved of and regretted the harsh and unconciliatory tone adopted on the other side. It was not likely to close the breach, but rather to widen it, between these noble relatives. His noble Friend (Lord Mandeville) considered he was justified in receiving the impression he did. He acted on the best of his judgment, and

could not be blamed. He (Mr. Shaw) regretted that the affair was not adjusted before. He did not advise that it should be brought on, but his noble Friend conceived himself bound to act on the impression he entertained. His noble Friend softened the expressions complained of. No, he did not deny the charge; for, in substance, his noble Friend adhered (whether erroneously or not was not the question) to his original opinion. He (Mr. Shaw) was sorry, as both the noble Lords were residents in that county, both brother Magistrates, and connected by close family ties, that the matter had ever been brought before that House, and he hoped it would not go further. He would again express his regret that the subject was not suffered to drop, and that such harsh expressions and angry feelings, of a personal and political character, were displayed on the other side of the House; they could not tend to weaken the impression made upon the mind of his noble Friend, and, least of all, to draw from him that retraction sought by the right hon. Gentleman opposite, but which, retaining the opinion which his noble Friend assured him he still did, his noble Friend could not, with truth and honour, express.

Mr. Hume said, that during the whole time he had had a seat in the House, he had never heard such a charge brought forward as this. He had never before heard a charge brought forward for which there was not at least some shadow and appearance of reason. But in this case he had listened to the noble Viscount's accusation, and to the answer made by the hon. and learned Member for the Tower Hamlets, and he was bound to say that every single imputation cast by the noble Viscount upon the conduct of the Earl of Gosford was entirely removed. If ever there was a complete refutation of serious charges, and there could not be a more serious charge than that of a Magistrate perverting public justice, it was in this case. He was surprised at the counsel given by the hon. and learned Member, that those who opposed the noble Viscount should rather endeavour to conciliate than to irritate him. Did the noble Viscount deserve conciliation? He, on the contrary, had to charge the Chancellor of the Exchequer with using language which was too conciliatory, when he counselled the noble Viscount to express that regret and contrition for having brought such un-

founded charges, which his own sense of honour and justice should have induced him to do without any such admonition. He thought also, that the House, for its own character's sake, should state its decided opinion on the subject. Were they, sitting there as judges, to be continually called upon to furnish fresh evidence, when it appeared perfectly clear that there was not the slightest ground for the imputations thrown out? Were they, after those charges—evidently without foundation—had been hanging over the head of Lord Gosford for six weeks, to assent to fresh charges being brought, which it was clear could not be supported? What would they gain if the papers now moved for were laid before them? What object would be attained by having the chief constable's report? What would be the use of the dying declaration of the man M'Whinney? But it appeared, after all, that this man was alive and well. Would the papers moved for by the noble Lord throw even a shadow of light on the subject? He was surprised at the pertinacity of the noble Viscount; and whether the noble Viscount persisted in his Motion or not, of this he was satisfied, that the House ought to declare its opinion on the conduct of the noble Viscount. It appeared to him that the noble Earl, the Lord-lieutenant of Armagh, had acted in the most upright manner—and would to God that all Lords-lieutenant manifested a similar independent and impartial conduct. If he had his will, many Lords-lieutenant should be removed in England as well as Ireland, for pursuing directly the opposite course to that which the Earl of Gosford had been censured for. The truth was, that too great delicacy had hitherto been exercised with respect to the removal of Magistrates from the judgment seat. Lord Eldon had declared that he would not consent to the removal of a Magistrate unless he had been convicted in a Court of Record. This was a monstrous principle and ought not to be acted upon. He repeated, that the present was the time for the House to express its decided opinion on the subject. Could any man say that, on such a Motion as the present, and after all that had taken place, it would be a denial of justice to refuse these papers? He had no hesitation in saying that the statement of the noble Viscount was utterly and entirely unfounded? He hoped that the House, in vindication of an impartial Lord-

lieutenant, and an upright and honourable Magistrate, would at once reject the motion, and at the same time adopt such a course as to mark the sense it entertained of the conduct of the noble Viscount in making such charges. They could not do less than make a positive declaration, both in justice to the noble Earl, and in justice to the country, and he should therefore move an Amendment to the Motion of the noble Viscount, "That it is the opinion of this House that the conduct of the Earl of Gosford in the recent investigation in Armagh, did not afford the slightest ground of complaint, and that the imputations made against him by Viscount Mandeville were entirely without foundation."

The Speaker having put the Amendment, Mr. *Shaw* rose, and said that such a course of proceeding, as moving that Amendment was contrary to all rule and precedent. The name of Lord Gosford was not in the original Motion, and he objected to the Amendment as quite irregular in point of form, and opposed to the rules of the House. The hon. Member for Middlesex referred in his Amendment to a statement made by an hon. Member in that House, which might be made in any discussion. The hon. Member, without any notice, brought forward a Motion condemning the conduct of another hon. Member, and directly striking at the freedom of debate. The hon. Member could not, in point of form, move his Amendment, as the name of Lord Gosford was not in the original motion. Besides, he was bound to give notice, if he meant to pass a censure upon a Member of that House. Such conduct, if persevered in, would be considered the conduct of a tyrannical majority. He repeated it would be so, and the public would view it in that light.

Mr. *O'Connell* said, that it was not at all necessary there should be any connexion between the original Motion and an Amendment, and he hoped his hon. Friend would persevere with the Amendment he had proposed. It was a common practice on a motion for the House going into a Committee of Supply, to have amendments proposed that had no connexion with the original motion. He hoped hon. Gentlemen had read the evidence in this case. By that evidence it would be seen that fourteen houses of Roman Catholics had been burned by Orangemen, and not

one of the offenders had been brought to justice. It was not, however, the fault of the Earl of Gosford, that justice had not been done; and for the impartiality of his conduct as a magistrate and Lord-lieutenant of the county, (he Mr. O'Connell) hoped the house would protect him. Lord Gosford had acted with the utmost forbearance, and with a total absence of all party spirit.

Colonel *Percival* said, he had not intended to say one word upon this subject, but he could not refrain from observing on the injustice of the hon. and learned Member for Dublin, pronouncing judgment without a trial, particularly when he must be in his heart aware that the charges he had made against the Orangemen were without foundation. He would appeal to the hon. Member for Armagh if it were true that the Orangemen had, as was stated, arms in their hands on the occasion in question? The hon. and learned Member had thought proper to pronounce a condemnation of the Orangemen without even hearing their defence, but this was only consistent with the practice of the hon. and learned Member, who, on all occasions, threw out his imputations upon all who differed from his views. He would say that if this Amendment were persevered in, it would be considered by the country, and ought to be so considered, as the oppressive act of a tyrannical majority. The fair way to proceed would be to give notice of this Amendment as a substantive motion, and then let the question be regularly brought forward. He was not disposed to say one word in condemnation of Lord Gosford, and indeed, he regretted that this proceeding was allowed to go on, or had been brought at all before the public. He should be glad if his noble Friend (Lord Mandeville) could, consistently with his sense of truth and propriety, say anything to relieve the feelings of Lord Gosford, but he could not certainly press upon his noble Friend anything which he did not feel to be right.

The *Chancellor of the Exchequer*, thought that the present Motion was irregular in point of form, but he hoped it would be allowed that the real question at issue was the conduct of Lord Gosford. It was competent and fit for the House to express its opinion on that point; but let it not travel out of the usual course, and mix up with it extraneous matter. The present Motion, if carried, would be

unintelligible on the Journals of the House and might be used as a precedent. The fact was, that the conduct of Lord Gosford did not deserve the charge brought against it, and it was the duty of the House to pronounce an opinion on that conduct; but there was no precedent for the adoption of such a resolution as the present.

The *Speaker* said, the present proceeding was a novel one, and full of difficulty. To name the noble Lord (Mandeville), a Member of that House, expressly in the Amendment, was quite irregular, as it would refer to his speech, and not to the motion which he made. [Mr. O'Connell, "Leave out the name."] It would be better to avoid such a case of difficulty as would meet those who would refer to the present motion as a precedent. [Mr. O'Connell, "Leave out the name."] The proceedings now proposed would certainly be unintelligible to all, except those present, and would not be understood on the Journals.

Mr. *Hume* said, his object was to make his Motion as intelligible as possible. He wished it to appear on the Journals that the imputation made by the noble Lord on Earl Gosford was unfounded. However, he would, if his Motion as at present shaped were irregular, omit the name. But when hon. Members understood the matter—

The *Speaker*—Those present do, but others who are not present, do not. It would establish a precedent which would be unintelligible to others hereafter.

Mr. *Hume*, then put the Amendment, to this effect, that the conduct of Lord Gosford was without blame, and the imputations cast upon him were unfounded.

Mr. *Shaw* contended that the altered Motion did not obviate the objections to the first. It was as clear as two and two made four that it remained still the same, and was a censure on his noble Friend.

Dr. *Lushington* begged to recal to the recollection of the Speaker that a discussion arose in that House on the conduct of his predecessor. Two Gentlemen entered into a warm debate—one of them censured the conduct of the Speaker. Mr. Canning rose, and moved as an amendment that the thanks of the House be given to the Speaker for his impartial conduct. The imputation on the Speaker came out immediately in the debate, and not by premeditated motion. It was idle to debate the specific terms of the resolution,

It was notorious that the noble Lord brought charges against the noble Earl and that he (Dr. Lushington) rebutted them. If Members were absent from the debate, with the public notice given them, for the noble Lord's Motion was publicly entered on the paper of business, it was their own fault. All had heard of the charges already. The House could not without a violation of duty refuse to place on the Journals the fact that the noble Earl was not guilty.

Mr. *George F. Young* desired to repudiate any share in the imputation brought by the learned Recorder for Dublin, against those who would support the Amendment, namely, that they were a tyrannical majority. He hated tyranny in all shapes, especially that of a majority taking advantage of a minority. The noble Lord placed himself in a situation that compelled the House to adopt such a resolution.

Mr. *Hume* thought it would be more in accordance with the usage of the House, first to negative the original motion, and for that purpose he should for the present withdraw his Amendment, with the leave of the House.

Amendment withdrawn.

Lord *Mandeville* observed, in reply, that two charges were made against him, irreconcilable with each other. The one was, that he had made a different statement to-night, from that which he made on a former night; and the other, that he had repeated, virtually, the same statement, although he had retracted the offensive expressions. The latter he intended to maintain. When the learned Doctor, on a former evening, put words in his mouth which he did not use, and he wished to explain, he was put down by a general cry of "Spoke, spoke," and not allowed to explain; but before the post hour on the following day, he contradicted the hon. and learned Gentleman. The hon. and learned Member stated that the Conservative Magistrates formed a majority upon the Bench; but although they were not excluded from hearing the evidence, they were denied the privilege of reporting their judgment upon it, for Lord Gosford did say, that there should be no report. Of the letters which had been read by the hon. and learned Civilian, he would only observe that they were all a denial of, matters which he never stated. He did not charge Lord

Gosford with rejecting individual witnesses, but with postponing the evidence of some, and refusing to hear the testimony of all, who could depose as to the outrages by which the election riots had been preceded. He would conclude by saying, that his complaints had not been replied to.

The original Motion was negatived.

Mr. *Hume* moved the following Resolution:—"That this House is of opinion that the conduct of the Earl of Gosford, as Lord-lieutenant of the county of Armagh, in the investigation held at Armagh, does not afford the slightest ground for blame; and the imputations made against him, are entirely without foundation."

Resolution agreed to.

PENSIONS OF LORD CHANCELLORS.]

Mr. *Hume*, pursuant to notice, rose to move for Returns of the Number of Chancellors for England and Ireland at present receiving Pensions, and the amount of the Pensions so received. He thought this Motion the more necessary from the present state of the Court of Chancery. There were at present five Chancellors paid by the country large Pensions, without there being any Chancellor at all giving his services to the country, in England at least; and as matters were going on, it was not improbable but in a few years we should have five more. It was impossible that things could go on in this way. By the production of these Returns, the people of England would learn for what they were paying between 24,000*l.* and 25,000*l.* a-year, and yet not possessing the advantage of having a Lord Chancellor. Some doubt existed as to whether the Lord Chancellor for Ireland was about to receive a pension of between 4,000*l.* and 5,000*l.* a-year. The production of these Returns would lead to an explanation, and set such doubts at rest. The hon. Member concluded by moving for a "Return of the several ex-Lord Chancellors of England and Ireland, who now receive, or are entitled to receive pensions, as having been Chancellors; stating the names, the date of appointment, or several appointments as Chancellor, the time each actually held office, the dates of resignation, or loss of office, the dates from which respectively each received, or are entitled to receive their Pensions, the amount of such yearly Pensions, and from what fund paid; stating, also, the Acts of

Parliament under which they respectively receive their Pensions."

The *Chancellor of the Exchequer* had no objection to the production of the Returns moved for by the hon. Member for Middlesex, and, therefore, should not trouble the House with any remarks, except with regard to the payment of the Chancellor's salary, and he must beg leave to observe, that the salary was fixed by Act of Parliament, and was payable to all, whether Lord High Chancellor, or Lords Commissioners, who performed the duties attached to holding the Great Seal. [Mr. *Hume*: In addition to their other salaries?] Yes, in addition. The Commissioners appointed for administering the duties of the Great Seal, received their proportion of the salary affixed to the office of Lord High Chancellor, but which was not according to the arrangement of the Government, but by the authority of an Act of the Legislature. The arrangement which had been made, was necessary, but he could state explicitly to the House, that it was only provisional.

Mr. *Hawes* said, that in a fuller House he should put the question to the Attorney-General, as to whether the measure was intended to be proceeded in for dividing the office of Equity Judge and Speaker of the House of Lords.

Mr. *Harvey* said, it was quite true, as had been observed by the Chancellor of the Exchequer, that it was by Act of Parliament, that the 10,000*l.* was paid to the Lord High Chancellor, or whoever held the Great Seal. But he would inquire whether the three learned individuals did not receive their salaries on the supposition that the whole of their time would be devoted to their own peculiar judicial labours. If they had time to bestow on the Court of Chancery, it was evident that they could fulfil their own duties in less time than was generally considered necessary for their due performance. If they had any time to spare, it ought in his opinion to be bestowed on their respective Courts. The Master of the Rolls was in the receipt of a salary of 7,000*l.* per annum. The Vice-Chancellor received a salary very little less, and the Judges of the Common Pleas received 5,500*l.*, being salaries abundantly adequate to remunerate them for the important duties they performed, and which he considered demanded their whole time,

and no ordinary degree of mental and bodily exertion. Now, in addition to this, the country was made to pay 10,000*l.* or 14,000*l.* more, in addition to these liberal salaries, which sum was, perhaps, equally divided among these Judges. Another fact ought to be mentioned—namely, that the entire patronage generally exercised by the Lord Chancellor, was by this means placed in the hands of the Commissioners, and one of those, the Master of the Rolls, had, and might again have, a seat in that House, and thus the mighty patronage at the disposition of the Lord High Chancellor of England, would be exercised by an individual holding a seat in that House. This he considered as a most formidable objection to the present arrangement, and he was glad to learn that it was only to be temporary. He felt, as the Member for Lambeth (Mr. *Hawes*) felt on the subject of the separation of the two offices of Lord Chancellor and Speaker of the House of Lords, and trusted that the plan proposed by the noble and learned Lord (Lord Brougham) who lately held the Seals, would be carried into execution. He agreed with that noble and learned Lord, in thinking that the Lord High Chancellor should not be a political Judge, and that his independence should be secured by a permanent appointment. It should not be one of a temporary nature, but placed on the same footing as the other Judges of the land. He should feel it his duty, if this proposed plan were not persevered in, again to recur to the subject. With regard to the present system, it was unsatisfactory to the country, unsatisfactory to the suitors, and, as his hon. Friend opposite (the Solicitor-General) well knew, unsatisfactory to the practitioners in the Court of Chancery.

Mr. *George F. Young* was of opinion that some arrangement should have been entered into of a more convenient nature. He should wish to abstain at all times from estimating the services of those who filled high judicial offices, by a mere pecuniary measure. Yet he did think, that the country had a right to expect that men would be found to fill offices so highly honourable as those of the Commissioners, without additional remuneration, they already being in the receipt of competent incomes.

The *Solicitor General* said, that the Act unquestionably provided that the salary of the Lord Chancellor, amounting

to 10,000*l.* a-year, should be paid out of the Suitors' Fund. This was clearly the law; and if the Act was an improper one, the proper course to pursue would be to effect an alteration with respect to it. He admitted, however, that if the putting of the Great Seal in commission were anything but a temporary arrangement, the distribution of the salary of the Lord Chancellor amongst the Commissioners might, perhaps, form a fit subject for inquiry. Under existing circumstances he was satisfied that no inconvenience would arise from the appointment of Commissioners; and with respect to the expense which the arrangement would entail upon the public, he had been informed, in a conversation which he lately had with one of the learned Commissioners themselves, that the amount of fees and the other expenses to be defrayed by them upon their instalment would fully compensate for the amount of salary which they should receive during the period for which they might hold the Great Seal. There was another topic introduced in the course of the discussion on which he was anxious to say a few words. It had been thrown out that the time necessarily consumed in discharging the duties of the Lord Chancellor would prevent the Commissioners from sitting in the Courts to which they belonged, for such a time as would enable them to discharge the duties which respectively devolved upon them; and it had been further asserted, that if they were found able to get through the business which belonged to the Court of Chancery as well as that of their own Courts, it might fairly be said, that their ordinary duties did not entitle them to the amount of salary which they received. Now the fact was, that the Vice-Chancellor and the Master of the Rolls sat every day in the week five hours; and he, without any hesitation, left it to any one conversant with the nature of the usual proceedings in these Courts, to say whether it was possible that the human mind could be usefully employed in the investigation of those matters which formed the general subjects of their judicature, for a longer period than that which he had mentioned. The late Vice-Chancellor (Sir John Leach), who was most anxious to devote all the faculties of his powerful mind to the consideration of the questions which were brought under the cognizance of his Court, declared that the mind could not be ad-

vantageously kept on a stretch in the discharge of such duties as he had to perform, for a longer space of time than that to which he had referred. The Judges, then, to whom he had referred, usually sat from ten o'clock till three, which, for six days, amounted to thirty hours a week. But although these individuals professed their inability to sit for a longer time than five hours each day for a lengthened period, they declared themselves willing to sit six hours for five days, in pursuance of a temporary arrangement, thereby continuing to transact business in each of their Courts for exactly the same space of time as that during which they sat before their acceptance of office as Commissioners. The House was aware that the former Lord Chancellors sat only two days in the week in the Court of Chancery, and were engaged for the other three days in the House of Lords. The learned Commissioners had (as we understood the hon. Gentleman) sat one day in the week in the Court of Chancery, and were now employed for three or four extra days during the vacation in disposing of the business which had accumulated in consequence of the change which had been effected with reference to the office of Lord Chancellor. He trusted he had shown, that under this temporary arrangement, the minds of the learned Judges who had been appointed his Majesty's Commissioners, were devoted as closely, and with as little loss of time, to the subjects brought under their consideration, as they well could be.

Mr. Pease remarked that he would content himself with merely calling the attention of the House to a list of the salaries paid to retired Lord Chancellors and Commissioners. It contained the following names, with the sums which each received annexed:—

To Lord Eldon	-	-	£4,000
Lord Lyndhurst	-	-	5,000
Master of the Rolls	-	-	7,000
Vice-Chancellor	-	-	6,000
Puisne Judge	-	-	5,500
Lord Brougham, as Chancellor	-	-	10,000
Ex-Chancellor	-	-	5,000
Lord Chief Justice	-	-	8,000
Speaker of the House of Lords	-	-	4,000
Total			£54,500

This certainly held out to the country no very cheering prospect of economical reductions.

The Motion agreed to.

HOUSE OF LORDS,
Friday, May 15, 1835.

MINUTES.] Petitions presented. By the Earl of ROSEBURY, from various Dissenting Congregations (Scotland) against any Grant to the Scotch Churches.—By the Duke of ARGYLE, the Duke of GORDON, the Earl of STIRLING, the Marquess of LANSDOWNE, the Earl of ROSSLYN, the Duke of BUCCLEUGH, and the Marquess of BUTE, from various Places in Scotland, in favour of a Grant.

THE AGRICULTURAL INTEREST—COUNTY RATES.] The Duke of *Richmond* presented a Petition from the owners and occupiers of land in Staffordshire, praying for relief. The petitioners noticed the promise that was put forth in the Speech from the Throne at the beginning of the present Session, that something should be done in favour of the landed interest, and more particularly with reference to the burden of county-rates. The petitioners complained that the burdens of building and repairing bridges and gaols, of public prosecution of felons, and of furnishing information on returns to both Houses of Parliament, fell upon the county rates, which were levied entirely upon the land. He wished to ask the noble Viscount now at the head of the Government, whether it was the intention of the Government to propose to Parliament any measure on the subject, or to take into consideration the grievances of which the petitioners complained. He agreed with the petitioners in all they stated, except in the recommendation that the Magistrates should not have the power of ordering payments out of the county-rates, but that that power should be given to persons elected by the rate-payers. In his opinion, the Magistrates ought still to possess the power now vested in them. He thought that as things now stood, the amount of the county-rates was a great grievance, and he hoped that some measure would be adopted more fairly to meet some of the expenses now charged upon them.

Viscount *Melbourne* said, that it was the intention of the Government to take into consideration the best means of carrying into effect that part of the recommendation from the Throne alluded to by the noble Duke, provided that that recommendation, the words of which, as they stood, were extremely large, and comprised much more than the noble Duke had stated, was understood to be confined to

those recommendations which had emanated from the Committees of this and the other House of Parliament. He should not enumerate all the matters referred to; the principal among them were prosecutions at the assizes, expenses of convicts, and Returns furnished to both Houses of Parliament on subjects on which they required information. These matters would receive the consideration of the Government, and the recommendations regarding them should be carried into effect provided that the means could be found for limiting what were now unlimited and undefined charges, and putting a check upon unnecessary and profuse expenditure.

IRELAND—PROCESSIONS.] The Earl of *Wicklow* said, that after the declaration which the noble Viscount had made on taking his seat as Minister of the Crown, he had felt that it was his duty to abstain from making any remarks on the noble Viscount's conduct, till he saw precisely on what principles the noble Viscount meant to carry on the Government. But circumstances had lately occurred in Ireland which made him feel that it would be a dereliction of his duty if he were to suffer them to pass over without notice. He referred to the manner in which the noble Earl recently appointed Lord-lieutenant of Ireland had made his entry into Dublin. He wished not to be understood as disapproving of demonstrations of regard on the entry of a favoured Lord-lieutenant into that city, he should be the last man in the world who could disapprove of the expression of regret that had been shown by the Irish people at the departure of his noble Friend near him (the Earl of Haddington), and, therefore, he could not but approve of that demonstration of feeling; and as he knew how well merited it was, he should not be justified in disapproving of another demonstration of a different kind upon the arrival of the noble Earl who had recently been appointed. But if the reports he had heard were true, the demonstrations made on the arrival of the noble Earl were of a totally different kind from those made on the departure of his noble Friend. He was informed that the cortege which took place on the occasion of the noble Earl's entry was the organized arrangement of an individual of great power in the country. The men in the procession were marshalled by appointed leaders—they assembled in

great numbers in consequence of orders issued in the chapels of the neighbourhood that they should assemble and take part in the procession. Under these circumstances, it seemed to him that the procession was in direct violation of the laws of the country. It was not only in violation of the common law, but of that law which was introduced two years ago, when the noble Viscount was Secretary of State for the Home Department. He alluded to the Bill which was to be continued for five years, and which declared to be illegal all bodies of men assembled with symbols and banners. If the reports he had heard were true, the noble Earl had permitted that to be done which rendered him incapable of holding the sword of justice in that country, for what he had done was prohibited by law; and how could he punish that in others which he had permitted himself, and in permitting which he had committed so direct a violation of the law? These circumstances must have a tendency to discourage the loyal and well-affected in that country, and they could not but be confirmed in their apprehensions when they saw the Lord-lieutenant thus lend himself to the party which was most dangerous in that kingdom, and which had often been denounced not only in Parliament, but even in speeches from the Throne. Coupling that circumstance with another of which he had heard, he must express his fears for the tranquillity of Ireland when he heard that the Solicitor-General of Ireland had sanctioned a toast at a public meeting to the speedy repeal of the Union. Coupling that circumstance with the fact that, at the entry of the new Lord-lieutenant, the banners bore the inscription "Repeal of the Union," "No Tithes," "O'Connell for ever," and sentences of that kind, he thought the commencement of the new Government was of a most inauspicious and even alarming character. He hoped that the declaration of the noble Earl would have the effect of settling the minds of the people, and that if such circumstances should be proved to have occurred, at least he would declare they had not his acquiescence. He asked the noble Viscount first, whether he had received such information that the noble Earl had made his entry into Dublin in the manner described; and secondly, if so, what steps had been taken to announce the displeasure of the noble Viscount at this course.

Viscount *Melbourne* said, that it was quite unnecessary for the noble Earl to disavow any intentions of a personal nature towards himself, for he had never seen anything in the noble Earl but fair political hostility. He had understood that on the occasion of his noble Friend's entry into Dublin there was a great concourse of people, and that there was, too, a very enthusiastic demonstration of popular feeling; but circumstances, such as those stated by the noble Earl opposite, he had not till this moment heard. He was not aware that there had been any illegal assemblage, nor any banners nor ensigns which were prohibited by Act of Parliament; but he had no doubt that if the law had been violated, it could and would be asserted by the ordinary means. With respect to the measures said to have been adopted to procure an attendance—with respect to the orders supposed to have been given to assemble, and the marshalling of the men in the procession, he could only say that he believed that processions of this kind were never purely spontaneous—never entirely unarranged; and he might venture to say that the assemblage which had accompanied the departure of the noble Earl opposite, did not occur without previous notice, nor without settled arrangements among those who were anxious to make that display of their political feelings. It was not in the nature of things that it should be so; no procession could be entirely spontaneous—none was purely the outbursting of the feelings of the moment, but was produced by previous settlement among the parties. If anything of an illegal nature had taken place—if any violation of the law had occurred—if anything had happened which called for strong animadversion and censure, and if this was intimated to his noble Friend the Lord Lieutenant, he was sure that his noble Friend was so entirely aware of the intentions of the Government at home, and so entirely possessed of a spirit of impartiality—was so determined to conduct his Government upon the principles of even and equal justice, and so resolved not to place himself in the hands of any party or faction whatever, but to administer the law equally to all, that he would be the very first to put the law into effect against those who had violated it even on the occasion referred to. There were some other matters to which the noble Earl opposite had referred, with

which he was not in the least acquainted, and to which, therefore, he should not allude; but he took that opportunity of declaring, that the principle of the Government here and in Ireland, was, that those who violated the law, be they who they might, should be made to answer for that violation.

The Marquess of *Londonderry* was not surprised to hear the panegyric bestowed by the noble Viscount upon the noble Earl the Lord-lieutenant, but after a time they should be able to know how much it was deserved. His noble Friend near him had been right in putting the question, not with respect to the noble Earl the Lord-lieutenant, but in order to know whether these orders for the people to assemble, were issued by the protector of the Government—Mr. O'Connell; and if so, whether such orders were issued under the sanction of the Lord-lieutenant. It did appear that some correspondence had been carried on by Captain Phipps on the part of the noble Earl, which was alluded to in the papers. The banners were marked with "O'Connell, the rising Sun." "Dan's Lieutenant." "Repeal." This was stated to be the fact in various letters, and if the noble Viscount had not heard of these things before, he was the last man in the country who had not heard of them. He therefore called on the noble Viscount, as the first Minister of the Crown, to investigate the truth of these circumstances. He called on the noble Viscount the more from a letter he had received from a very influential person, who stated to him what must be the inevitable consequences of such an entry. The letter said "The Earl of Mulgrave's entry was a tremendous display of O'Connell force, and the sanction given to the party to display these colours will be considered a reason for the loyal Protestants not being meddled with in their display on the 12th of July next, when I fear some tremendous conflict will take place if they are interrupted. In consequence of this procession with the banners and the green flags, it will be impossible to prevent the Orangemen from taking their course." The Lord-lieutenant had, in fact, sanctioned these things, and unless he expressed his disapprobation of them, he might be well assured that the Orangemen of Ireland would not be tranquil, and that a tremendous collision would take place that would endanger the property of Ireland, and

that the 12th of July would not pass over without the most serious consequences. He did not say this from any personal feeling. The time would come when he should state his opinion of what Ireland had to fear from the Government of the noble Lord. The inevitable consequence would be, that if some marked notice was not taken of this matter, there would be a procession on the 12th of July. He warned the noble Viscount of the matter. The noble Viscount could not have any feelings of enmity towards him because he brought these circumstances forward—for he must know that a noble person high in the confidence of his Majesty and in that of the Government, (the Marquess of Wellesley, Lord Chamberlain) had just resigned office because he felt that the influence of Mr. O'Connell was so great in the Government, that with his opinions he could not properly continue in office. If the noble Viscount's personal friends were thus alarmed, could he wonder that his political enemies were frightened? People who had property in Ireland must and would stand forth on such occasions and let him know their opinions in time to prevent these unhappy consequences.

Viscount *Melbourne* said, that with respect to the circumstances alluded to by the noble Marquess opposite, there could be nothing more unfortunate, if the statement of those circumstances was true, and if it was, he admitted that the consequences predicted in the letter were likely to follow. But he must at the same time ask whether the sort of procession referred to could have been prevented? Could the noble Earl opposite have prevented, if he had wished, the display which accompanied his departure from Ireland, even when he was Lord-lieutenant, and in the country itself? how, then, could the noble Earl, now the Lord-lieutenant, prevent that which was no doubt prepared while he yet remained in England? If there had been display on one side, so there had on the other. He was perfectly aware of the consequences that might follow an exhibition of the sort described; but he knew no means by which his noble Friend could have prevented it. He had said that if there was anything illegal, it should be inquired into; but it was not, unfortunately, in the power of the Government here, or on the other side of the water, to prevent these displays of feeling on the entry of a Lord-lieutenant, whom

the Irish people welcomed with satisfaction to their shores. No man more deeply regretted than he did, the strong party distinction still existing in that country—the strong line of demarcation there drawn between men of opposite political sentiments; there was no man more truly anxious to adopt measures which could, even by possibility, have the effect of rendering that country tranquil; but it was impossible to do that with the aid of one party alone. If both could be prevailed on to assist in this good work, something might be done; but he feared that that was hardly to be expected, from the weakness of human nature. The noble Marquess had adverted to the Chamberlain of the Household, and had said, that that noble Marquess had resigned his situation on account of differences with the Government on the subject of Ireland. He assured their Lordships that the statement was wholly erroneous. He had the authority of the noble Marquess himself for stating most distinctly, that any report to that effect was entirely without foundation. It was not upon the grounds stated that the noble Marquess had resigned his office; and, with respect to the management of Ireland in general, the noble Marquess agreed with the views of the Government which was dismissed in November, and with the views of the present Government.

The Earl of *Haddington* could assure the noble Viscount and their Lordships, that it had not been his intention to address them on this subject; but as the noble Viscount had appealed to him, and had twice adverted to that assemblage to which he was honoured on quitting Ireland, and had done it as if he meant to compare it with what had recently occurred he must be allowed to say a word or two on the matter. What he wished to state was simply this—that on that occasion there was neither banner nor colour, nor any outward appearance of party manifested that met his eye, nor anything that could be so considered. As to the procession itself, it was most undoubtedly as spontaneous and unsolicited as it could be; but, at the same time, he must be allowed to say, that if he had given any warning that he did not like it, or did not wish for it, or that he thought it would produce any bad consequence, he believed that it would have been given up. But he had not done that because there

was no reason why he should. It would have been ungracious in him to say anything of the kind. He did not mean to say that the noble Earl, now the Lord-lieutenant, could have prevented the recent procession; but he was certain that he could have prevented that which took place with regard to himself; but he saw no reason for doing it, and it would have been an ungracious return for the great kindness which he was far from being vain enough to think that he deserved.

The Marquess of *Londonderry* said, that with regard to the report about the Lord Chamberlain, a person had told it to him who had it from the noble Marquess himself.

Viscount *Melbourne* believed that the noble Marquess overrated the value of his information.

Lord *Brougham* said, that in opposition to the second-hand report of the noble Marquess, there were to be placed two personal communications with the noble Marquess, showing that it was wholly incorrect. He happened to be a witness who could give evidence which would place the matter of the cause of the retirement beyond the possibility of a doubt; for the intention of the noble Marquess to resign, and the grounds of the intended resignation, were known to him long before the account of what took place in Ireland reached this country. He knew of the intention and the reasons for it, early last Saturday, and it was taken, he was going to say, on grounds diametrically opposite; but he might say, completely different, and wholly standing apart from those supposed. He had not seen the noble Marquess since, and it was possible that in the mean time the noble Marquess might have said something which had occasioned the mistake.

The Marquess of *Londonderry* had asked the question of one of his Majesty's confidential servants, and he should have been more assured had the answer come from one of them.

Lord *Brougham* remarked, that the position taken up by the noble Marquess was most extraordinary. According to that whatever report a man might hear of Lord Wellesley was to be believed, though Lord Wellesley had fifty witnesses to disprove it, unless it should happen that one of the twelve King's Ministers should also happen to know that the statement was unfounded. Really no other man would be placed in

so unfortunate a situation as that in which such a rule would place the noble Marquess.

TAXES ON KNOWLEDGE.] Lord Brougham presented a Petition from the Common Council of the City of London on the subject of the Abolition of the Taxes on knowledge. The Common Council had not the privilege with respect to this House which they possessed with regard to the Commons House of Parliament, of presenting their petition at the bar of the House, but it must be presented by a member of their Lordships' House. In order, however, to give due effect to their petition, they came down to the humble individual who then addressed their Lordships in the dignity of their office, and gave him the petition, desiring him respectfully to request for it their Lordships' most careful attention. The petition was not confined to the abolition of newspaper stamps, but to the taxes upon paper and books, and to what they represented to be taxes upon knowledge of all descriptions, political, civil, and scientific. They objected to a tax of 200 per cent. on the raw material, which they said must have the effect of preventing the dissemination of knowledge, and keeping instruction from the various classes of the people, when it was most important to the cause of good Government that that instruction should be furnished to all classes of the community. The stability and value of our institutions depended in a great measure on the instruction thus kept back from a large portion of the people. In the first place, with respect to newspapers, the effect of the stamp was to give to ribaldry, to sedition, and to blasphemy, a monopoly of sale: for papers thus badly distinguished were published at one penny, while the more respectable papers were published at a higher price. The trials and executions of criminals were as nothing for the instruction of the people compared in extensive effect to the statement of them in the newspapers, which spread the knowledge of them all over the country. The papers, however, which gave this information were burdened with a duty of 200 per cent., while those which had no such recommendation, but were filled with bad matter, and even recommended assassination, paid no stamp at all. By this system, therefore, the mischievous publications enjoyed a monopoly of the market, while the in-

nocent publications were taxed 200 per cent. Incalculable injury was thus inflicted on good government, on good institutions, and on the good administration of the law. In this point, therefore, he perfectly agreed with the petitioners; and he agreed with them also in their objections to the monopoly of newspapers. In London especially, a few newspapers enjoyed a monopoly of the market. Were it not for the stamp duty, those newspapers would have competitors and rivals, whereas at present they had the monopoly of communicating intelligence and political discussion to the people. He would state to their Lordships a fact, however, to show that the evil of this monopoly was not confined to London. He had seen it stated in a provincial newspaper, that he (Lord Brougham) had, at a public meeting, taken a most mischievous and improper liberty with their Lordships. He was charged with having pronounced a most exaggerated and fulsome panegyric on their Lordships. This was charged upon him in the newspaper in question as a great offence. Perhaps their Lordships might think that it admitted of some extenuation. At any rate it was on his part a rarity. Being his first offence of the kind, he trusted that their Lordships would at least mitigate his punishment. It was asked by the newspaper in question—"Was there ever anything so abominably inconsistent as this man's praising the House of Lords?" The terms of praise ascribed to him were to the following effect:—"I defy the history of all nations and of all ages to produce an example of an assembly so august, so eminent for talents and learning, so renowned for its great public services, so truly a representative of the interests and feelings of the people, so faithful a guardian of popular rights, so distinguished by valuable qualities of every description, as the present House of Lords." Now of all this, as it respected their Lordships, he had not said one word.—He had said, what some might consider worse than either panegyric or vituperation—he had said nothing whatever about their Lordships. Having spoken of the House of Commons, the newspaper in question attacked him by ascribing to him a fulsome panegyric on their Lordships, which he should never have dreamt of uttering, belonging as he himself did to the House of Lords. But not belonging to the House of Com-

mons, he had certainly panegyrized that House, although not in terms so strong as those imputed to him. The use of the word "present" clearly proved that "the House of Lords" was an interpolation on the part of the newspaper; for that word would be an absurd one to use towards their Lordships, although it would be just as applied to the House of Commons. When he had read this unfounded statement, he asked a friend, who knew the town in which the newspaper was published, how it was possible that such a paper could go on. The answer was, that it was the only newspaper in the town—that three or four attempts had been made to establish a competition; but that all those attempts had been stifled by the newspaper stamp. It was always so in cases of monopoly; those by whom that monopoly was possessed did that which they would not dare to do if they had rivals in the field. He cordially concurred, therefore, in that part of the petition which related to newspaper stamps. The petitioners also prayed for the remission of the duty on paper and on foreign books. With respect to the first, it unquestionably operated with great severity on what were known by the name of cheap publications. He could state on his own personal knowledge, that some of the most useful publications of that kind in the present day were in danger of being given up, because the tax upon paper just made the difference between their being able, and their not being able, to go on. The publications emanating from the Society for the Propagation of Christian Knowledge, and other publications in imitation of them, were in that predicament. They could now go on with difficulty, but they could go on with ease if only half the duty on paper were taken off. He was persuaded that if that were done, the revenue would gain more than it would lose by the remission; just as it would by taking off the stamps on newspapers. As to the prayer of the petitioners for taking off the duty on foreign books, their Lordships would, probably, not be disposed to agree to that to its full extent, as it would deprive the home trade of the protection which ought to be afforded to it. At the same time, to continue a tax on such foreign books as could not, by possibility, be printed in this country, was certainly one of the most barbarous regulations conceivable. He

had himself that morning paid a duty of 25*l.* on the importation of foreign books. When he was last in Paris, he had purchased a complete series of "The Memoirs of the French Academy" at different eras, comprehending between two and three hundred volumes—a work not to be found in any of our public libraries. In addition to the purchase-money, he had that morning paid five-and-twenty pounds duty on the importation of those volumes. Now, what protection could such a duty as that be to the home-trade? Could it be supposed that an English publisher would print two hundred and fifty-two volumes of "The Memoirs of the French Academy?" The real evil was in the introduction of French editions of such works as those of Lord Byron or Sir Walter Scott. The duty, however, was almost inoperative in preventing the surreptitious introduction of such works. Thus the bad and injurious publications succeeded in finding their way into this country; the good ones were stopped. The large publications, which had no competitors in this country, were prevented from coming; the small publications came over, and entered into competition with the legitimate works. Without going at greater length into the subject, he begged leave to present the petition.

Petition to lie on the Table.

HOUSE OF COMMONS,

Friday, May 15, 1835.

[*NOTES.*] Bills. Read a first time:—Foreign Enlistment Repeal; General Turnpike Act Amendment.—Read a second time:—Oaths' Abolition.

[*OBSERVANCE OF THE SABBATH.*] Mr. *William Miles* presented a Petition from Bath, praying that in the Great Western Railway Bill a clause might be introduced prohibiting Sunday travelling on it. The hon. Member supported the petition, and gave notice of his intention to move a clause to that effect.

Mr. *Potter* said, this was a most absurd petition. The subscribers to it might as well try to suppress Sunday eating. Besides, if such a prohibition were too rigidly enforced, people might be prevented from going to Church on Sundays.

Mr. *Roebuck* said, that the petition did not express the sentiments of the people of Bath. Of the subscribers to this preposterous petition the first nineteen were clergymen of the Church of England.

Mr. *Sinclair* observed, that the extraordinary and lamentable thing was, that such a petition should be necessary.

Sir *Oswald Mosley* saw nothing either extraordinary or ridiculous in the petition. All that the parties wanted was to secure to the labourers on the rail-road the same opportunity for enjoying the holy rest of the Sabbath which other poor persons enjoyed.

Mr. *Plumptre* supported the petition. He was acquainted with a rail-way which passed near a town and the noise on it was extremely great.

Mr. *Harvey* said, that Acts of Parliament were not the most effective possible method of impressing the people with a moral tone of feeling. Example would do a great deal more towards bringing about so desirable a result than anything else, and of this there was unfortunately but too little. The other day, when at a country church, he saw a Bishop come to preach a charity sermon in a splendid coach, drawn by horses, the brass on whose harness was in much greater quantity than was contained in the pockets of all the poor people who were standing round. There was not much in this of the primitive simplicity of the Apostles, who taught the early gospel. Parliamentary morality would never be found to answer.

Mr. *Hardy* said, the object of the petitioners was to put an end to the disgraceful system which now prevails of making people work at the engines on Sundays. It was most unjust that these poor people should alone of their class be debarred from the holy rest of the Sabbath.

The *Attorney General* deprecated all such discussions on private petitions.

Mr. *Philip Howard* said, that as only three men were employed at these engines, it might be very possible so to arrange the journeys as to enable them to have time to attend to divine service.

Petition laid on the Table.

KERRY ELECTION.] Mr. *Shaw* begged to be indulged for a few moments on a matter personal to himself, which also, in some degree, involved the character of the House. He saw the hon. and learned Member for Dublin in his place, and would take this opportunity of alluding to a contradiction given by the hon. Member to a statement which he (Mr. *Shaw*) had made. It would be in the recollection

of the House, that in a discussion, before the recess, the hon. and learned Member for Dublin had challenged him (Mr. *Shaw*) to adduce a single instance—

Mr. *O'Connell* interposed: I speak to order. If the hon. and learned Gentleman means to make a Motion, that is one thing; if he means to put a question that is another; but if it be a question, then he has no right to make a speech. Which is he going to do.

Mr. *Shaw*: I am not about to make a motion, to ask a question, or to make a speech; but I have already begged, and I hope I shall receive, the indulgence of the House for a few moments to make an explanation in a matter personal to myself. It will be in the recollection of the House, that on the occasion to which I refer the hon. and learned Gentleman challenged me to adduce a single instance of violence or breach of the law having occurred in the county of Kerry in connexion with the recent election there; that in reply I said that I had heard on good authority and believed, that shortly before the election the hon. and learned Gentleman had gone to a person of the name of Murphy, a Roman Catholic trader in the town of Killarney, and asked him whether he intended to vote for the Knight of Kerry, that Murphy said he did, and that the hon. and learned Member answered, "If you do, I'll have a cross or mark put upon your door," and threatened him with the consequences; and that shortly after Murphy's house was violently attacked, and his person assaulted; upon which the House cannot forget the solemn manner in which the hon. Gentleman stepped forward and called God to witness that from beginning to end the whole story was false. The *Mirror of Parliament* thus reports the hon. and learned Gentleman:—"Mr. O'Connell rose, and advancing towards the centre of the floor, said—"I declare most solemnly, in the presence of that God who is to judge me, the whole story is totally false." The authority upon which I made the statement was that of the Earl of Kenmare, the Lieutenant of the county, a distinguished nobleman, differing from me in politics and religion, and with whom I have no other connexion than joining in that just esteem with which he is universally regarded in Ireland. Immediately after what had occurred in this House, thinking it possible that Lord Kenmare or myself might have been mis-

taken or misled, I felt it my duty to communicate with his Lordship, in order that I might either withdraw or corroborate the statement I had made, and the result of that communication has been, that I am furnished by Lord Kenmare with the fullest corroboration of what I had previously stated. Lord Kenmare has sent me a statement of it, written by Mr. Murphy himself, bearing testimony at the same time to the high character of Mr. Murphy, who is a Roman Catholic, and the most eminent and extensive trader in the town of Killarney, offers to verify his written account by affidavit, or in any other manner that may be required of him, and I will shortly read it to the House. The letter is signed "David William Murphy," and addressed to the "Earl of Kenmare;" it commences by stating the unwillingness of Mr. Murphy to have his name brought before the public, but that in compliance with the wish of Lord Kenmare, he proceeds to detail what occurred between himself and Mr. O'Connell, on the 6th of January last, in the following words:—"Having been told by Mr. Charles O'Connell, Mr. O'Connell's son-in-law, that Mr. O'Connell would be glad to see me at Finn's hotel, I went, and found with him several of his friends and near relatives. He spoke for some time on the election politics of the county, and after some remarks on the Knight of Kerry, asked me if it was possible I intended (as he heard) to vote for him (the Knight.) I answered that I did. He said—'What, you? I will have a black streak put on your door, and none shall dare to enter it, and if that has no effect, your car shan't pass through Milltown or Killerglin, and in Cahirciveen you shan't have as much room as you could let it down in.' This conversation occurred in presence of his own very near relatives, and was publicly spoken of by some of them that same night. On the evening of the day on which the election for the borough of Tralee closed (Saturday, January 10,) an infuriated mob made a violent attack on my house, and broke my windows, assaulted myself, and were it not for the timely interference of a Magistrate, with some soldiers who happened to have been stationed here at the time, would have gone to extremities which it would have been impossible to check. I may further add, that amongst the persons attacking my house was one with ignited

straw. These facts, my Lord, can be substantiated by several others than myself and are in this county quite notorious." If this written statement, investigated and verified by Lord Kenmare, wanted further proof, I have seen since a Gentleman who was on the spot at the time; I have received various letters on the subject; some have been handed me by hon. Members in this House, English and Irish, all corroborating to the utmost Mr. Murphy's account, and also that the circumstances are perfectly notorious in the neighbourhood. It is not my desire, as the hon. and learned Gentleman has attributed to me, to make any speech on this occasion, nor any attack on him, beyond a simple statement of the facts. I will abstain from making a single observation on the case, further than to express a hope that I have completely justified my original statement, and I leave it to the hon. and learned Member to justify, if he can, his unqualified and solemn asseveration that the whole story from beginning to end was false. [*Cheers.*]

Mr. O'Connell said, it was easy to see from that cheer—that party cheer—what was the object of the right hon. and learned Member. When the right hon. and learned Gentleman made a charge of this nature before against him, he had gone across the House, and asked him what was the name of this Murphy, and he (Mr. Shaw) told him he did not know. It was found afterwards, and David was inserted in the *Mirror of Parliament*, although David had never been used in that House. The learned Recorder had spoken only of a man named Murphy, without using his Christian name. He did not know at the time what Murphy could have been meant. But by the insertion of the name "David" in the report, the right hon. and learned Gentleman had quite changed the venue of his story. It was quite a different thing. Before it was stated that he (Mr. O'Connell) went to the House of a man, and on his saying he would vote for the Knight of Kerry, that he (Mr. O'Connell) had declared that he would mark his door with a white cross, and threatened him with the consequences. Now it appeared, on the contrary, that a man came to him about something else, and that then he said something to him about a white cross or a black streak. At the time he spoke he knew nothing about this matter; he had no recollection of the conversation,

and if he had known that it related to David Murphy, he should have laughed at it. He was not in Kerry for ten days before the attack on David Murphy's house was made. Why, David Murphy was a tenant of his; he had the standing for his carts at Cahirciveen from him. Murphy's brother was an agent for the election of his nephew at the time. He remembered, in a conversation, that he had with David Murphy in the drawing-room of the inn, Murphy said to him that Mullins had better look to himself, for his father had died without assets, and owed him money, and that Mr. Mullens must now pay him or he would not vote for him. He then jokingly observed to Murphy, that if Mullins paid the debt, and Murphy voted for him afterwards, he would be bribed. He did not know what he might have said about the Knight of Kerry; he was then canvassing against him with all his might, and he had done it successfully. But it was an idle jocular conversation, from which he anticipated no consequences, and from which none did result. He should not have remembered even so much of this conversation if after the trial which had taken place on account of the attack on Murphy's house, which he saw in the newspaper, he had not written to Kerry to inquire about the matter. He was in Dublin engaged about his own election when the attack on Murphy's house was made. There was nothing serious in it, as had been stated: a couple of windows were broken, and the assault on himself was so trifling that it could hardly be proved. It was only taking him by the collar, or something of that kind. It originated in his striking a little girl who was going past his shop-door, crying, "No Knight;" he gave her a slap on the cheek, which nearly knocked her down, and her friends it was that broke the glass. He saw, too, in the *Tralee* paper, that David Murphy, on his cross-examination, was asked why he voted against Morgan John O'Connell, the nephew of his old friend, to which he replied, that the contest was not with Morgan John, or he would have plumped for him. As to Lord Kenmare, there was no man under such a compliment to him. He had done the noble Lord a service equivalent to giving him 40,000*l.*, and his Lordship had certainly treated him with unqualified ingratitude. In violation of his promise he had given his support to the Knight of

Kerry, and, disappointed in his electioneering projects, he had entered into an holy alliance with the learned Recorder to annoy and accuse him. The question, however, was, now altogether different, even as reported by the right hon. and learned Gentleman in the *Mirror of Parliament*. The transaction first alluded to was totally different from the present, and if the question was now put to him as it was formerly, he should meet it with as solemn a contradiction. He apologized to the House for trespassing so long on them, and wished the right hon. and learned Gentleman joy of his occupation.

Mr. *Shaw*, in explanation, stated, that as to the name of David, he immediately discovered it by reference to a letter, and mentioned it to at least twenty persons, that the parties to the assault on Murphy had pleaded guilty, and now were under sentence of some months' imprisonment; and with respect to the hon. Gentleman's statement, that Lord Kenmare had promised not to take any part against his nephew, he (Mr. Shaw) was authorized to state, that Lord Kenmare had never made a promise to that effect. He also observed, that there could be no cross-examination, as the accused pleaded guilty, and were sentenced to some months' imprisonment. He also denied that he had reported either his own or the hon. and learned Gentleman's speech.

Mr. *O'Connell* positively denied the truth of Lord Kenmare's disclaimer, and said he could prove it. He stated also that there was a cross-examination, Murphy and two others having given evidence before the prisoners pleaded guilty.

Mr. *Morgan J. O'Connell* stated he had in his possession a letter from Lord Kenmare, dated the 27th of December, in which he stated, "It is not my intention to take any part in the election." He added, in reference to the charge of intimidation, that the majority of the electors in Killarney voted for the Knight of Kerry.

Subject dropped.

The Chancellor of the Exchequer moved the order of the day for the House to resolve itself into a Committee of Supply.

LOWER CANADA.] Mr. *Roebuck* referred to his Motion on the paper for "A Copy of a Dispatch from the right hon. Thomas Spring Rice to Lord Aylmer, authorising him to pay the officers of the

Civil Government of Canada certain monies, not appropriated to that purpose by the Legislature of Canada," and said, he wished to put a question to the Chancellor of the Exchequer founded upon it. That question referred to the conduct of the right hon. Gentleman when he held the office of Secretary for the Colonies, just after the retirement of Lord Stanley. He was sorry that he must, upon this occasion, charge the right hon. Gentleman with a breach of those engagements and promises which he made to the Canada agents when they were in this country. The gist of the complaint was, that the right hon. Gentleman had been guilty of a breach of faith in sending out instructions to Lord Aylmer to pay the sum of 31,000*l.* to certain officers of the Government in Canada, after having promised to him (Mr. Roebuck) and to two deputies from Lower Canada, that he would not do so, but would wait to see what steps were taken by the Canadian Legislature on the subject of the Civil List. The reason he urged for this course was, that he (the Chancellor of the Exchequer) wished for a fair trial, having only just entered upon the arduous duties of his office. The undertaking on the part of the right hon. Gentleman was entered into by him on one Sunday, and on the next Sunday the right hon. Gentleman had sent off a dispatch to Lord Aylmer, in direct contravention of his own engagement. This, he contended, was not acting in a straightforward, manly, or even honest manner; and it could not be justified by any plea of the urgent necessity of the case. He complained that he and the two delegates had been deceived and imposed upon, and that if Lord Aylmer had paid the money out of the Colonial funds he was liable to an action; if, on the other hand, he had paid it out of the military chest, and it came before the House in the Committee of Supply, he (Mr. Roebuck) would strenuously oppose the grant. He concluded by asking the question, whether the right hon. Gentleman had authorised Lord Aylmer to pay 31,000*l.* either out of the military chest or out of the funds of the colony?

The *Chancellor of the Exchequer* was not sorry that he had not interfered with the hon. Gentleman in the course he had thought proper to pursue. It was a question affecting his personal honour as well as his conduct as a public man, and therefore he was naturally anxious to give it a

direct and immediate reply. He, however, protested against the great inconvenience of having questions of importance, personal and public, thus brought forward without notice. It was an irregularity which, if adopted generally, must prevent justice being done to any subject, and altogether impede the public business. The question the hon. Member had introduced was one of those which, on grounds personal and public, ought not to be lightly disposed of at a casual discussion; and if without personal and public inconvenience he could have remained silent, he should have been well entitled to decline answering the question until the documents which the hon. Member himself had moved for, and which it was to be presumed were of great importance to the consideration of the subject, had been laid upon the Table. The hon. and learned Gentleman had charged him (the Chancellor of the Exchequer) with a violation of private honour—with a violation of official duty; and therefore he trusted the House would indulge him with its attention for a very few moments, whilst he offered a few observations, observations not made with a view to raise any debate upon a subject which, in its present shape, could not lead to any practical result, but for the purpose of indignantly refuting and repudiating the charges which the hon. Member had made against his private honour and public character. The facts of the case in question were very simple, and he felt considerable surprise that the hon. Gentleman had not stated and urged these charges when, on a previous occasion, he had adverted to the proceedings, an occasion upon which he thought he had fully answered the hon. Gentleman. The hon. Gentleman, however, had not done so, but had chosen for his own purposes, under a notice for papers, to bring forward those charges on the present occasion which, by anticipation, he had already answered. If the hon. Gentleman would turn to the debate which took place on the occasion of his presentation of a petition on the subject of Canadian affairs, he would find that he, voluntarily and uncalled-for by him, went through the whole facts of the case, upon which the hon. Member became entitled to a reply, of which right he availed himself; and if there had been that neglect of public duty, that abandonment of private and honourable engagement, it was then open to the hon. Gentleman to

have made the attack, provided he had felt that in truth he was justly exposed to it. It was true that he (the Chancellor of the Exchequer) saw the two deputies that came to this country from Lower Canada; he did so with the knowledge and at the request of the members of the Committee then sitting upon Canadian affairs; there was no concealment whatever of the part he had taken. He had then only been recently appointed to the Colonial Office, under circumstances to him most painful, for they involved between himself and a noble individual, whom he should ever regard with respect and friendship, a separation on public grounds. Meeting that Committee, therefore, nearly at the close of their inquiry, he had thought it right, under the circumstances in which he was then placed, to put a question to them as to whether or not it would be expedient that he should see the Canadian deputation; and in answer it was stated to him most distinctly by the Committee, that it was expedient that he should see and communicate with the individuals composing that deputation. He accordingly met the deputation without reserve and without suspicion, and with a candour and frankness on his part, unwilling that a moment should be lost; and he met them without any other individual being present, except the hon. and learned Member for Bath. He did not seek any friend to accompany him on that occasion, because he thought and hoped he was dealing with individuals who were incapable of misrepresentation. He told the deputies that having just come into office, he was naturally not fully acquainted with the particulars of their case; but it was not the fact that he asked them for a fair trial. That phrase was of more recent origin than the interview in question; and he was satisfied that he did not use it. But he addressed them in language to this effect:—"I am called upon in the midst of a session to decide this mighty question, on which perhaps depends the connexion between Great Britain and her North American colonies. I wish for time to decide upon the course I shall take." Such was his language, and he put it to the House to say, whether there was any thing in it unfit for a discreet man to have uttered. The answer was in a fair spirit; for it was acknowledged that it was but reasonable to allow him time. The discussion was then entered upon, being

carried on partly in French and partly in English, he observing at the outset that he considered the interview as private and confidential, but that if the result was an amicable understanding he should be glad of it. He told them that he had the greatest confidence in them, or he should have requested a friend, naming particularly his hon. Friend, the Member for Taunton, to be present. Would the House believe, that after this a regular minute of this confidential conversation was made, that he never saw it, that it contained statements not consistent with the facts, that it was laid before the House of Assembly of Canada, in an official shape, for the purpose of bringing a charge against him? The hon. and learned Member was a party to the whole proceeding.—[Mr. Roebuck: "I did not communicate the conversation to the House of Assembly."]—But the hon. Member was present at the whole of that conversation; and yet, knowing what he therefore did of its nature, and notwithstanding the statement he (the Chancellor of the Exchequer) had made on the 9th of March, the hon. Member had thought proper to single him out for attack, and impeach his honour, under cover of asking a question. This he did without notice, and contrary to the pledge he gave upon the occasion in question. But the hon. Member's conduct was all of a piece; for, on a former occasion, the hon. Member made a charge against the noble Lord, the Member for North Lancashire, upon unreported evidence, and he now brought forward a charge against him, upon the import of a private and confidential communication. He would explain to the House what he had really said on the occasion in question, and he trusted the House would bear with him while he did so. It was perfectly true, as the hon. Member had stated, that in reply to a question, he had informed the hon. Member that only two courses were before him, and that he was not disposed to take either. The one course was the persevering in the Bill of his noble Friend, the Member for North Lancashire, the effect of which would have been to break an engagement entered into with Canada, by a former Act of Parliament, and thereby allow this country the right to appropriate the revenues of the Civil List of Canada, and the second course was, to direct the payment of the salaries of the Colonial officers, then two years in arrear,

out of the sums unappropriated by the Canadian Legislature, in the same manner as the Earl of Dalhousie had directed some years ago. With regard to the first course open to him, he was not prepared, from the state of his information, to have recourse to a measure so strong as the violation of an agreement, and the setting aside the provisions of an Act of Parliament, and he declared to the Deputies, that in reference to the position in which he stood, and in the absence of further information, he could not take that course. At the same time he observed that he should not consider himself precluded from doing so, if he should eventually think it a fair course, but he would not assent to it except at the last moment. On the second point—namely, ordering the payment, as Lord Dalhousie had done, he censured it in the presence of the Deputies, and had not since adopted it. What he had done, he had stated in his observations to the House, on the 9th of March last, to which he should now refer. ‘He told the gentlemen composing the deputation, Messrs. Morein and Viger, that he was not prepared to proceed with Lord Stanley’s Bill, and he felt, however it might be right to make concessions to Canada, yet he was of opinion that great caution in the proceeding was required, and the hon. Gentleman must recollect that he told him he would not say that it might not be expedient, at some future time, to have such a Bill; at that period he only asked for time. He stated this to the gentlemen whom he had mentioned, and who, though not officially recognized as agents from Canada, were deputed by the Assembly, and had much influence in its affairs. At the time the report was made, there were two years’ supplies due; and he intimated that, if the Legislative Assembly would pass an unconditional Supply Bill for those years, he would go earnestly to work, and enter into the whole question, with the view of devising such measures, and preparing such instructions, as he thought might meet the necessity of the case. He told those gentlemen what he proposed, and they said they thought it would be satisfactory to the Legislative Assembly of Canada.’* It was under that impression, that he and the deputation parted. He had previously told them

also, that he would not have recourse to the plan heretofore adopted by Lord Dalhousie. The course which he had taken, however, had been (as he had stated on the 9th of March last) this—“Two years’ income were due to the Government officers throughout Canada: those individuals, high and low, had been deprived of all payments during that period. Their distress was in many instances most urgent; many of the public servants were under the necessity of raising money on disadvantageous terms, and some were thus subject to extreme pressure and distress. The Canadian money was in the hands of the Receiver-General, and there was the utmost confidence entertained that in November, at the meeting of the Assembly, a Bill would be passed for the appropriation of that money. Parliament not being sitting at the time, it was thought advisable to give directions that if there were officers of the Government in a state requiring relief, and having two years’ arrears then due, there being every confidence that the money would be repaid in the following month of November, that an advance should be made, not out of any Canadian funds, but out of the extraordinary resources of this country, in order to meet their necessities.”* He thought this afforded a most triumphant answer to the charge of the breach of an agreement, or the abandonment of any pledge given to Messrs. Morein and Viger. The course he had pursued was not in violation of any pledge or agreement. On the 9th of March, the hon. and learned Member for Bath might have reproached him with a violation of an agreement, as well as he could now, but he then chose to withhold the attack, and now he made it without notice, without evidence, and, in short, in the absence of everything which constituted the elements of full and fair inquiry, and attacked him under most disadvantageous circumstances, when none of the documents which could explain the transaction, were before the House. The hon. Gentleman had asked whether the payments had been made out of Colonial funds. His answer was, that they were not made out of Colonial funds, and that fact was well known to the hon. Member at the time he put the question; but the hon. Member made the inquiry, in order to raise an unfair discussion, at a

* Hansard (third series) vol. xxvi. p. 690.

* Hansard, (third series) vol. xxvi. p. 693.

period when every well wisher to the two countries would desire to avoid such a discussion. The hon. Gentleman had put him in a position in which he could not, consistently with his own feelings of honour and of public duty, refuse to give the hon. Gentleman an answer; when, under any other than a state of such compulsion, he should have said merely that no question could at the present time be more improper, more unfair, or ill-advised. Could the hon. Gentleman find an authority which could support him in the betrayal and misrepresentation of a private conversation, which the hon. Gentleman himself acknowledged to be private, and which was stated to be private and confidential, and that it was so declared by him in the very document which the Canadian Deputies laid before the Assembly, of which they were distinguished members. He cared not if every word he uttered were known, as far as himself was concerned. His only wish for considering it private was, lest improperly divulging it, it should occasion mischief. Was the making it known done for the purpose of mischief. What good end could it answer? The hon. Gentleman had been told that every document he desired was open to his inspection, and if he had wished an honest and fair conclusion to be come to, he might have brought such documents as he thought fit before the House, and thus have had a foundation for his charge. If the hon. Member's now raising this discussion, implied a singular political conscience, as regarded the future interests of Canada, his oblivion of private obligations implied a peculiar personal conscience as respected his own character. He should regret extremely if the strength of his feelings had, on this occasion, impelled him to say more than was fit and necessary in his own vindication. But it must be remembered, that the hon. Gentleman had accused him of having deceived him, of not having taken an honest, open, manly part; and the hon. Member contrasted (he hoped the contrast would be understood by the House) his own open, manly conduct, with the tortuous course the hon. Member imputed to him. The hon. Member need not much complain, therefore, if charged in the face of his colleagues, the Representatives of the people, with having deceived him and others in his official capacity—he repelled an accusation so unjust with some warmth,

and by stating to the House all the facts of the case. If the hon. Gentleman had been successful, he should not have envied him his advantage, for if political success was only to be attained by such means, others might pursue it, he would not. He believed, however, that no permanent success was to be obtained, although temporary exultation sometimes might be won, by the betrayal of those high obligations which bound men of honour. In strictness he might have objected to the course taken by the hon. and learned Member for Bath, but he had waived the strict rules of the House to discharge the duty of vindicating himself from an imputation as unjust as it was harsh.

Mr. Roebuck said, that he had been accused by the right hon. Gentleman with the betrayal of a private and confidential communication. He most solemnly denied the imputation, for so far from being a party to divulging that private communication, he had now in his possession an apology from the delegates of Lower Canada to him for having taken a step which they believed they were driven to, by the conduct of the right hon. Gentleman. For the divulging it an apology had been made to him (Mr. Roebuck). The minute of the conversation had been sent by the deputation to him at a time when he was so dangerously ill as to be obliged to leave the country and go abroad, and he returned it with these observations—that the document, so far as he could say, contained a correct statement of what had taken place at the interview with the right hon. Gentleman, but that no possible use ought to be made, or could be made, of it. He would appeal to the right hon. Gentleman, and ask how he came so quickly to accuse him of divulging it? That document had been laid before the House of Assembly by others—it was published in all the Canadian newspapers, and was brought over in them to him (Mr. Roebuck) in common with the rest of the whole world, and when thus made matter of common information and publicity, he had every right to speak of that which all the world knew. But the right hon. Gentleman asked why he had not made the statement before. Why, the way he put the matter was by asking the right hon. Gentleman whether he had done so and so. Having given the right hon. Gentleman notice of the questions, he had of course put them.

The conversation was before the House, and he told the right hon. Gentleman how he meant to introduce the subject. The right hon. Gentleman said, very well, and that he was glad it should be so introduced. [*The Chancellor of the Exchequer*: That conversation was on the 9th of March.] Yes, and then I stated to the right hon. Gentleman the form of the questions I meant to put. He begged to repeat that the conversation which took place before him and the delegates, was first published in the Canadian Assembly, that it afterwards appeared in a printed form, and could the right hon. Gentleman accuse him of having divulged the conversation, when it appeared in all the North American newspapers? The right hon. Gentleman denied having broken any pledge made to the Canadian delegates. He would say most solemnly, that he believed the breach of the pledge complained of, was committed by the right hon. Gentleman, for the right hon. Gentleman promised he would not do what he had done, except in the last extremity. That extremity was, if the House of Assembly refused the payment of the officers' salaries. They had not refused; and the House of Assembly had no opportunity of a fair trial. With respect to Lord Dalhousie, what he had done was to appropriate the money in the military chest, and a portion of the revenues of Lower Canada, which were under the control of the King, and not under that of the Legislative Assembly.

The *Chancellor of the Exchequer* said, the hon. Gentleman was quite wrong in his premises. It was true the term "military chest" might have been used, but there was a distinction in the nature of the funds designated by that term. The fact was, that Lord Dalhousie had made his payments out of the national revenues belonging to the Canadas, while he (the *Chancellor of the Exchequer*) had made them by advances out of British funds, to be repaid when the House of Assembly had done that which was confidently expected from them.

Mr. *Roebuck* said, that was precisely the point upon which he was at issue with the right hon. Gentleman. He contended that Lord Dalhousie paid the sums out of monies under the control of Government, but for which the Government was answerable to Parliament, and that the right hon. Gentleman opposite had done

precisely the same thing. He had taken monies not under the control of the House of Assembly, contrary to the agreement, and that was the breach of which he complained. Much as the right hon. Gentleman had said of the obligation, morally and politically, to preserve engagements inviolate—solemn as had been the right hon. Gentleman's appeal—he felt that obligation quite as strongly as the right hon. Gentleman. But if the right hon. Gentleman had thought fit to adopt that course which he had condemned, except in case of the last extremity, he had broken his pledge. When he brought forward this charge—he would not say charge, because he asked the question—and if he had made a charge, he should have commenced by the solemn assertion that the right hon. Gentleman had adopted that course. On the contrary, he had inquired from the right hon. Gentleman if such was the case. [*The Chancellor of the Exchequer*: I deny it.] That was the point at issue between them. In conclusion, he hoped the House would believe that the solemn obligations of honour were by him felt as stringent and as strong as by the right hon. Gentleman who had expatiated on them.

The *Chancellor of the Exchequer* said, that if the hon. Member would bring forward his charge as he now stated it, when he had the documents necessary to its decision before the House, he should be prepared to show him and the House, that the appropriation formerly made by Lord Dalhousie, and that made by him (the *Chancellor of the Exchequer*) were quite different in their nature and character. He should have great pleasure, if the hon. Member would move for those papers at the conclusion of the evening, in consenting to their production; but he hoped that in the present state of public business, the House would see that nothing could be more injudicious than to sanction a course of the present description—a course which, without those documents, could lead to no result. The hon. Member had justified himself from the imputation of being a party to divulging the confidential communication, but he had no right to have used that document on the present occasion.

Mr. *Hume* said, that two questions had been put to the right hon. Gentleman, both of which he had answered in the negative, denying that he had done either

of the two things imputed to him. He wished the right hon. Gentleman would state to the House what he really had done in this matter. First, let the hon. Gentleman state what precisely had been the course pursued by Lord Dalhousie, and then what had recently been done by Lord Aylmer, in pursuance of the right hon. Gentleman's directions, for otherwise he (Mr. Hume) and the House could not understand the question upon which his hon. Friend, the Member for Bath, and the right hon. Gentleman were at issue.

The *Chancellor of the Exchequer* said, that the hon. Member for Middlesex would find the difference in the two cases much better from the documents when brought forward, than by any answer that at present could be given.

Mr. Hume would ask hon. Gentlemen if any one of them, even after this long discussion, knew what the right hon. Gentleman had really done? The hon. Member for Bath said he (the *Chancellor of the Exchequer*) had done one thing, and the right hon. Gentleman said he had done another. The present discussion was one of the greatest importance to the country, and it was necessary to know whether the Governor of Canada had appropriated the money without any directions. The subject was of the deepest interest particularly when the state of Canada was considered. The charge against the hon. Member for Bath was extremely improper, as there was no violation of confidence on his part. When the delegates left the right hon. Gentleman, in order to justify themselves they thought it necessary to note down the private conversation that had taken place. They communicated that to the House of Assembly, so that there could be no violation of confidence or misrepresentation on the part of the hon. Member for Bath. The accusation of the right hon. Gentleman was, that his (Mr. Hume's) hon. Friend had betrayed a confidential conversation. Now this was a serious charge to be brought against any individual; but the question was, had it any foundation in fact? Finding that Lower Canada was in a state of great excitement, the delegates on their return felt it their duty to lay the minutes of what had passed between them and the right hon. Gentleman before the House of Assembly; and because the House of Assembly thought fit to have those minutes

published, the whole blame of the matter was cast upon his hon. Friend. But was this fair, or was it just, to lay at the door of one party the wrong done by another? The fact was, that the charge against the right hon. Gentleman had long been before the whole world; and that being the case, where was the objection to its being mentioned now? It was true that the subject might have been postponed; but, without going further into the matter, he (Mr. Hume) wished to ask the right hon. Gentleman upon what authority Lord Aylmer paid the money alluded to, and how that payment differed from the course which Lord Dalhousie had previously taken? There was very great misconception abroad respecting the matter, and if it could be removed by a simple explanation so much the better.

The *Chancellor of the Exchequer* said that his explanation should be very plain and simple, for it should consist in quoting what it was he addressed to the House on this subject on the 9th of March last. The right hon. Gentleman then read the following quotation.—“It would be in the recollection of the House, that Lord Dalhousie directed certain public expenses to be paid out of Canadian revenues, unsanctioned by any Legislative authority. That proceeding was disapproved of by the Committee of 1828, and it was alleged, that he had since acted contrary to the opinion expressed in that Report. He begged to say, that he had done no such thing. In what he did he acted under the advice, and upon the responsibility of, all his Colleagues. Two years' income were due to the Government officers throughout Canada: those individuals, high and low, had been deprived of all payments during that period. Their distress was, in many cases, most urgent: many of the public servants were under the necessity of raising money on disadvantageous terms, and some were thus subject to extreme pressure and distress. The Canadian money was in the hands of the Receiver-General, and there was the utmost confidence entertained that, in November, at the meeting of the Assembly, a Bill would be passed for the appropriation of that money. Parliament not being sitting at the time, it was thought advisable to give directions, that if there were officers of the Government in a state requiring relief, and having two years' arrears then due, there being

every confidence that the money would be repaid in the following month of November, that an advance should be made not out of any Canadian funds, but out of the extraordinary resources of this country, in order to meet their necessities. In doing this, he trusted he did no more than the House of Commons would be ready to sanction.* That was his (the Chancellor of the Exchequer's) statement on the 9th of March. The only suggestion he had to make to hon. Gentlemen was, whether, taking all circumstances into account, and in the absence of having read the documents now on the Table, it would not be better to proceed at once to public business, and not carry on this discussion further.

Mr. *Labouchere* must express the astonishment which he felt at finding that two Gentlemen whom he so highly respected, as the two delegates alluded to, could have been concerned in such a transaction as that of divulging the confidential conversation which had passed between them and his right hon. Friend. He could not help saying that, in his opinion, they were not justified in what they had done.

Mr. *Hume* asked, whether it was the intention of Government to ask for any vote in order to make good this money; because, if so, that would afford an opportunity for discussing the whole matter?

The *Chancellor of the Exchequer* said, that there was no vote in the Estimates for such a purpose; nor did he think it necessary, because he felt every confidence, that when the whole of the facts were perfectly made known to the House of Assembly, they would instantly agree to a vote to refund the money.

Conversation dropped.

The House went into a Committee of,

SUPPLY-REGISTRATION BARRISTERS.] On the first Resolution, that 22,700*l.* should be granted to his Majesty, to defray the allowances and expenses of the Revising Barristers under the Reform Bill,

The *Chancellor of the Exchequer* said, that he wished to take this opportunity to express a hope that when the Bill for amending the Registration Act should be brought forward, a provision would be made to enable the Government to pay the revising Barristers in some mode

different from that of a vote in a Committee of Supply. This was very desirable, inasmuch as the Revising Barristers were often put to great expense in the discharge of their duties, which, according to the present mode of paying them, was not refunded till a long time afterwards.

Mr. *Jervis* thought that something should be done to lessen the charge which the country now sustained under the Registration system. The charge was much more than adequate to the duties performed.

Mr. *Hume* begged to suggest whether, instead of employing 60 or 70 Revising Barristers, differing materially in the degrees of their qualifications for the duties they had to perform, it would not be better to employ five or six able and intelligent men to go through the country and do all the business.

The *Chancellor of the Exchequer* hoped, as his noble Friend, the Secretary of state for the Home Department, was not present, the hon. Gentleman would not introduce a discussion on this subject.

The Resolution agreed to.

CIVIL CONTINGENCIES.] On the question, that the sum of 130,000*l.* should be granted to his Majesty, to defray the charges of the Civil Contingencies,

Mr. *Hume* wished to ask a question respecting the expenditure at Constantinople. He was desirous to know, whether it was the intention of the present Government to proceed with the survey ordered by the former Government, with a view to the erection of a palace for the Ambassador at Pera, and whether there was any vote or charge for that purpose in the estimates.

Mr. *Francis Baring* said, that there was no intention to place any expense under that head in these estimates. There was reason to believe that a palace for the Ambassador was not at present required.

Mr. *Hume* next referred to a charge of 1,213*l.* for legal fees on the appointment of Envoys Extraordinary and Secretaries of Embassy and Legation. He wished to know the nature of these fees, because it appeared a monstrous absurdity that the Government should charge fees on the employment of its own servants. Some means ought to be adopted to get rid of these fees.

* Hansard, vol. xxvi. p. 693.

Mr. *F. Baring* said, that if the hon. Gentleman would wait until next year, he hoped he would not have reason to complain of this charge. He perfectly agreed with the hon. Gentleman that it was a monstrous absurdity that the public should be called upon to pay with one hand what it received with the other, and he hoped the system would soon be put a stop to.

Mr. *Hume* said, he had mentioned the matter, because it was a question involving a sum of 295,000*l.* He was aware that a part of these fees, came back, but it was after a loss of 50 per cent. He was glad to hear that it was the intention of his Majesty's Government to alter the practice. He should recommend the hon. Gentleman to put one or two searching Members upon a Committee to inquire into the subject, and he would find that that would greatly relieve him of the difficulty. If his own hands were at liberty, he should be happy to be one of such a Committee. He knew that many had a dislike to see these fees meddled with because many of them were paid to the great men about the Court.

Mr. *Hume* observed an item of 4,000*l.* paid to Sir George Shee: he wished to know what services that Gentleman had rendered to entitle him to this sum.

Mr. *F. Baring* said, that Sir George Shee had been appointed to an embassy, and after preparing his outfit, his appointment was rescinded on the dissolution of Lord Melbourne's Cabinet; this sum was to defray the expenses he had been put to on that occasion, and had no reference whatever to any salary.

Mr. *Hume*, that expense then was one of the consequences of the experiment lately made by the right hon. Baronet (Sir Robert Peel) to carry on the Government of the country against the wishes of the people. As the days of common sense were now coming, he hoped the present Government would follow the example set them by their opponents, and not suffer themselves to be surrounded and impeded by men in office adverse to their own principles. He wished the noble Lord, the Secretray for Foreign Affairs were present, that he might have asked him whether he was going on in the old track, or whether he had determined that this country should be represented in foreign courts by persons entertaining feelings corresponding with the feelings of the Government at home? The hon.

Gentleman was then understood to express his entire approval of the appointment of Lord Heytesbury to the Governor-Generalship of India having been rescinded. He thought it a wise step, and hoped it would be adopted in other instances.

Sir *Samuel Whalley* thought, that the expense incurred by the displacing of Sir George Shee would be found to be the smallest expense that the late experiment of the right hon. Baronet had occasioned to the country. He gave notice to his right hon. Friend, the Chancellor of the Exchequer, that he should move for a return of all the expenses that had been incurred in consequence of the recent changes of the Government.

Dr. *Bowring* knew from personal experience that at this moment a great number of individuals who were representing England in foreign countries did not represent the reform principles of this country. Our Representatives abroad ought to appear to the eyes of strangers as the Representatives of the people appeared to the eyes of their constituents here,—that was, as persons appointed not only to carry out their own views of reform in this country, but to bring those views into practical operation elsewhere. He rejoiced that the Government had lately set aside an individual because that individual did not represent their principles, and he hoped the Administration, to whom he wished to give every sort of efficiency, would be worthily represented in every other court in Europe.

Sir *Thomas Fremantle* was understood to say that although the Whig Government did not on a former occasion remove our foreign Ambassadors immediately on coming into office, yet it proceeded gradually in making changes, so that when the late Government succeeded them, our foreign Ambassadors were almost all connected with the Whigs.

Mr. *Roebuck* referred to an item for the expenses of the tours undertaken by the Governor and Bishop of Barbadoes: and said, that as to the latter, especially, they were services performed for the spiritual benefit of the colonies, and the expenses of which ought to be paid by them.

Mr. *Cobbett* said, he was surprised to hear the hon. Member for Bath call them "*services*:" they were nothing more than mere parties of pleasure; the Bishop took the King's frigate to visit his relations, and then he came upon this country for

"spiritual benefits" conferred upon the colonies.

The *Chancellor of the Exchequer* was understood to vindicate the present Government from any blame on that account.

Mr. *Cobbett* said he cast no imputation upon his Majesty's Government, his observation was only with a view to correct those abuses, and curtail those expenses. He (Mr. *Cobbett*) knew the difficulty they had to encounter, in the want of a Parliament to back them in making retrenchments which ought to be made: he hoped, however, they would find such a Parliament.

Mr. *Roebuck* said, that if the colonies wanted Bishops, why did they not keep them? They had got Bishops in England, and quite enough, he was sure, and therefore they sent them to the colonies; the colonies did not like them, and this country was obliged to pay them.

Mr. *Hume* said, the principle of allowing passage-money, rested on this; that when individuals were appointed to foreign offices, and the salary did not begin till their arrival at the station, it was very fair that all their expenses should be paid to carry them there. But when a noble Lord was appointed, and the day he arrives receives a thousand pounds down, why should they adopt the principle of paying the expenses of carrying him round the coast. The practice had prevailed in the East-India Company, that the salary was continued though all expenses—all the charges of contingent expenses—were repaid, and the Governor, charged all his travelling expenses to the Company. No alteration was made till the expenses became so enormous, that the Court of Directors very properly took the matter up. Upon principle, they ought not to suffer anything of this kind, and he would put it to the Government to consider that in future. They ought not to make any grants but on principle (for it was of principle that he was speaking; and whether it were 1*l.* or 1000*l.* they ought to act on principle) and when they made an appointment, they ought not to pay one shilling expenses when the salary commenced immediately. In a country oppressed like this the granting of that money was very improper, and he, (Mr. *Hume*) wished the people to see that there was no sanction whatever for the payment of those expenses, and that if they did not act on principle they ought not to act at all. He wished to ask

this question.—Were any of the English Bishops paid for their expenses during their removals?

Dr. *Bowring* suggested that these estimates should be made up in a very different manner. There was the sum of 14,504*l.* "for Commissioners,"—no information was given as to the number of the Commissioners; and, if any Member should desire to have any information with respect to particulars, he would have to look at all the particular reports, or to the names of every particular commission. It was perfectly impossible in the present state of those accounts to come down to that House prepared to discuss the question in all its bearings. He, (Dr. *Bowring*) should suggest that every part of those estimates should be attached to the department to which they belonged.

Mr. *Tooke* said, it was singular that when the whole time of any public officer was devoted to the public service, that for any particular services he should come upon the country with additional demands upon the public money.

Mr. *Hume* remarked that there was an item of 3,345*l.* for the expenses of the Lord-lieutenant of Ireland, he thought that there were salaries very large appropriated to such individuals. And that it was encouraging a state of expenditure very much above what it ought to be, the best way of supporting Royalty was to make no demands not absolutely necessary for its dignity. There was a charge of from 70*l.* to 80*l.* per-annum, for the Almonry office which he thought quite unnecessary when the only duties performed were, once a-year, the distributing the King's bounty to a few old men and women.

Mr. *Cobbett* observed that the aristocracy of this country were very humble; when they could not get much, they were contented with little. The Americans had Ambassadors far superior to any that this country had sent out, at an expense much less than that which the Duke of Wellington put into his pocket every year. Several of those charges ought to be upon the Civil List. It was absolutely necessary that they should have a cheap Government; and they were in a state when a change of some sort or other must take place, and therefore they should begin by appointing a cheap Government.

Mr. *Roebuck* asked a question relative

to the charges for the expenses of the Commission for settling the North American Boundary Line.

The *Chancellor of the Exchequer* said, it could not be expected that the King of the Netherlands (to whom the question had been referred for arbitration) could take any share in the expenses since he had no interest whatever in the settlement of the question.

Mr. *Cobbett* rose to express his dissatisfaction at the charges inserted in the estimate for the expenses of "Commissions for inquiring into the State of the Law," the causes of agricultural distress were the frequent alteration of the laws. They were everlastingly altering the laws, when, in America, the laws were made good at first, there was no "Commission," and they were the same as ever. With respect, especially to the alteration of the punishment for horse-stealing; he was of opinion that it had a very bad effect upon the agricultural system, and that horse-stealing had increased to a very great degree. He was quite sick of hearing them talk about "Commissioners to inquire into the law."

Mr. *Ewart* differed from the hon. Member for Oldham who had said, that the crime had increased since the alteration of the law; such was not the fact, and he was borne out in that, by reference to the returns of assizes. If the hon. Member (Mr. *Cobbett*) had attended to those returns he would have come to a similar conclusion. And as to Commissioners to inquire into the state of the laws, it was necessary that the laws should be universally known, so that persons should not transgress them by being ignorant of their existence. For example the Dorchester labourers were transported for the transgression of a law, of the existence of which he, (Mr. *Ewart*) verily believed they were ignorant.

The *Chancellor of the Exchequer* said, he thought no benefit could arise to the laws of the country from such a discussion.

Mr. *Cobbett* was not satisfied with the item he observed for "pensions to Spanish subjects in England," what services had they rendered this country? If the Parliament was to be charitable, he, should like to give the money to poor men and women in England. Why should they be so very charitable to the Spanish people? when there were so many at

home. He, believed that not one of them had rendered any real service to the country. He should be ashamed of himself if he had suffered that vote to pass silently, they ought at least to have some account of the "services" rendered. Then there was 1,500*l.* to be paid to Dr. Babbage for his machine, and "884*l.* to Dr. M'Culloch for his services in completing a mineralogical survey of Scotland." Well now, what did they know about this "mineralogical survey?" And yet they were to pay this money to Peter M'Culloch. It was incumbent upon the Ministers to examine into this, and it was for the public benefit, to restrain such an unprincipled waste and squandering of public money.

The *Chancellor of the Exchequer* said, he could give an answer to the hon. Member. With respect to the names of those who had received that bounty, their names belonged not to Spain, but to Europe, but specially for services rendered to this country, to England, and he for one would never consent to proclaim those names to foreign powers, and thus throw a difficulty in their way of returning home. With respect to the sum voted to Mr. Babbage, the hon. Gentleman the other day received some explanation in justification of a most distinguished scientific discovery. Mr. Babbage did not receive a single farthing of that money; he was engaged in a subject of the greatest possible scientific interest, and he applied to the Government on the subject, not to pay him anything, but to suffer his expenses to be paid upon the publication of the invention. It was proposed to him that some of his instruments should become the property of the country, and it had gone abroad that this was putting money into Mr. Babbage's pocket. Upon the third point, there was no individual connected with the prosecution of that survey alluded to, for whom he felt a higher respect than for Dr. M'Culloch, the mineralogical surveyor; the survey was undertaken by the former Government, and the present Ministry had carried it on since. If, however, the hon. Gentleman (Mr. *Cobbett*) thought that there were no beneficial results to be attained by the acquisition of scientific knowledge, he and the hon. Gentleman were so completely at difference that he despaired of effecting any agreement.

Mr. *Warburton* said, that after all, he
2 P

thought it would not be improper for his hon. friend the Member for Oldham to call for a Report on the present state of the machine with respect to its final completion, because he, (Mr. Warburton) was under some apprehensions himself upon that subject lest the Gentleman, who had produced the invention, greatly desirous to bring his machine to as great a degree of accuracy as possible, and successive improvements occurring to himself, should go on, step by step, and be led on to greater expense than would be proper. He thought it therefore desirable that the Treasury should call for a Report.

ARMY ESTIMATES.] Viscount *Howick* rose, and said, the hon. Member for Middlesex was aware, that the calling out of the Militia was attended always with great objections. That it was attended with a very great inconvenience and expense. The mere calling out of the militia, independent of the Staff expenses, was attended with an expenditure of never less than 100,000*l.*, frequently as high as 150,000*l.*, and in addition to that, the ballot of the militia cost a sum varying according to the number of vacancies that occurred, from 10,000*l.* to 40,000*l.* If the ballot took place this year when there had been none for four years, the whole establishment would have had to be called out, and the ballot would have cost at least 40,000*l.* But, further, it was perfectly well known to hon. Members, that the ballot for militia at all times, and especially in times of peace, was a subject of great hardship to the poorer classes, because it operated not like a common tax, but as a poll tax, which was by far the hardest and most unjust of all taxes. It was to avoid the necessity of that tax that the corps of yeomanry were formed; and the yeomanry as he (Lord Howick) believed, were not so extravagant in their amount; because, as the House would recollect, a few years ago, Lord Lansdowne reduced all those corps of yeomanry, which within a certain time had not been called out; and therefore, it was only for those corps which were actually required that any expense was incurred. The greatest pains had been taken to remove unnecessary expenditure. He thought it hardly necessary to say more on this point. An hon. Member had said, that in other countries yeomanry of that description were maintained without

expense. But that was not the case here. The National Guard of France was considered as a very great burthen upon the people, and though different names were employed in various countries, the military service was always felt to be very burthensome, as in Germany and Belgium. He believed that there was no means of keeping up a force equal to that which was adopted with reference to this country, without great expense, and, he confessed, that he considered it of very great advantage to have a body of that kind kept up; a body of persons who, though they might receive pay when actually employed by the public, did not, in fact, receive as much in pay as it cost them to serve.— With respect to what had been observed by the hon. Member for Oldham, certainly nothing was further from the intention of Government than to keep up a force for tyrannical purposes; and he (Lord Howick) must observe this, that when the hon. Member for Oldham pronounced his favorite declamations against the New Poor Law Bill, and affirmed that the yeomanry were rendered necessary from the operation of that Act, he begged to call to the hon. Member's recollection that the most serious disturbances which had ever occurred in this country, were produced by those abuses in the Poor Laws, against which the Act of last Session was directed.

Mr. *Scholefield* said, that if it ever should be necessary to use the yeomanry, the consequences would be such as he would not attempt to describe; he thought that the old voluntary system called into service in former times was far preferable to the present one. The yeomanry were generally of a class superior to the lower sort of persons, and therefore much more anxious to ride over them than to meet their demands in a fair and proper way. [*Cries of "No! no!"*]

Mr. *Ward* differed from the hon. Member for Birmingham, he (Mr. Ward) considered the yeomanry corps was the most effectual, most constitutional force that could be employed in this country. The allowances were not in any way adequate to them, when actually called out into service; 3*s.* 4*d.* for each man and horse, and only this when actually in service; and as to the constitution, he (Mr. Ward) said, they were composed of the very same individuals who would be sworn in as special constables in the event

of a disturbance taking place; namely, substantial yeomen. As to party spirit, he had seen, it was true, Reformer and Radical, Whig and Tory, all united together, so far as the keeping up good order, acting together for the preservation of peace, the enforcement of the law, and the maintenance of harmony in the country. As to its efficiency, it was in the power of Government to augment its efficiency or to diminish it. He was for a more vigorous inspection, and was highly desirous that it should take place; but then they must recollect that this was a force which was constantly dormant except at the moment when it was wanted in the hour of danger. It was a force which never appeared; which formed an additional weight upon the country, and, in case of tumult, always ready to act in concert with the civil power. He thought, therefore, that the vote was perfectly unexceptionable, and that it should not meet with opposition.

Mr. *Cobbett* disclaimed any intention to impute tyrannical motives to the Government, but the noble Lord was mistaken as to the origin of the disturbances which arose from the distresses of the poor, and those were produced by their hard treatment, and especially by the system of hired overseers.

Sir *C. Dalbiac* had always considered the Yeomanry Corps as the natural protectors of the country, and one of the natural means of preserving its internal tranquillity, and he had therefore always regretted their reduction by Lord Lansdowne.

Mr. *Buckingham* said, that he entertained views upon this subject very different from those of most of the gentlemen by whom he was surrounded. He objected to any establishment of yeomanry whatever, on the ground, first of their inefficiency, and next of their unconstitutionality. There was no military men who would not admit that they were far inferior to the regular troops of the line for putting down any actual disturbances; and it was therefore injudicious to keep up an inefficient, while you could have a perfectly efficient, force. But it was also unconstitutional to select any body of citizens for temporary periods and temporary purposes, and arm them with deadly weapons against their fellow-countrymen. What he desired to see was this: that the regular troops should never be employed except in defending the country from

foreign invasion; for it was monstrous to send out any body of Englishmen to draw the sword against any other body of the same nation; and next to this to see the civil power alone invoked for the suppression of any tumult, that it might be done pacifically and without bloodshed. He was therefore for decreasing the standing army as well as the yeomanry, and increasing on the other hand the constabulary and the preventive police. If they wanted a proof of how useless it was to attempt to keep a country in content by military and yeomanry, they need only look to the sister country, Ireland, where both existed in the greatest force, and discontent was increased rather than diminished by their presence. Good government was a better pacificator of the turbulent than either; and in this conviction he should give his vote for the reduction proposed by his hon. Friend.

Mr. *Estcourt* stated it to be his impression that if the Government were not prepared to maintain a large constabulary force in the country, at an enormous expense, it would be utterly impossible to maintain the public peace, unless by keeping up the yeomanry corps.

Mr. *Charles Pelham* rose to give a flat contradiction to the assertion of the Member for Birmingham, that the yeomanry were merely political partizans, having commanded a corp of yeomanry for some time.

Captain *Pechell* expressed his satisfaction with the yeomanry corps of Sussex.

Mr. *Hume* was determined to press his Amendment to a division.

The Committee divided on the Amendment, Ayes 17; Noes 77; Majority 60.

Resolution agreed to; the House resumed.

IMPRISONMENT FOR DEBT BILL.] The Order of the Day having been read for taking into further consideration the Report of the Imprisonment for Debt Bill,

The Attorney-General, although he deprecated the taking of further evidence on the subject, moved that the Bill be referred to the consideration of a Select Committee. The object was, to discuss the merits of the Bill, and make it as complete as possible.

Mr. *Freshfield* observed, that the Insolvent Debtor's Court was not a permanent Court, and that, unless revived by Act of

Parliament, it would expire in the Session of next year. He trusted that, in that case, care would be taken to give the judges of that Court the compensation to which they would be entitled.

The *Attorney-General* said, that although he could not make any pledge on the subject, there could be no doubt that if the Court were abolished the judges would be properly compensated.

Mr. *Carruthers*, urged the necessity of hearing further evidence, because there were various objections to which the Bill was at present liable.

The *Solicitor-General* concurred with his hon. and learned Friend, the *Attorney-General*, in thinking that it would be quite unnecessary to have any further evidence.

Mr. *Hawes* stated, that the opinions of both wholesale and retail dealers in the Borough, which he had the honour to represent, were now as favourable to the measure as they had formerly been unfavourable.

The Motion agreed to, and a Select Committee appointed.

HOUSE OF LORDS,

Monday, May 18, 1835.

MINUTES.] Petitions presented. By the Duke of GORDON, the Earl of ROSSLYN, the Earl of CAWDOR, the Duke of BUCCLEUGH, Lord WHARNCLIFFE, and the Earl of GALLOWAY, from various Places in Scotland, for a Grant to the Scotch Church.—By Earl FITZWILLIAM, the Earl of ROSEBURY, and Viscount MELVILLE, from various Congregations in Scotland,—against the Grant.—By Earl DE GREY, Earl MANVERS, and by the Earl of WILTON, from Cossgrove, Burton, Leonard, Middleton, and other Places,—for Protection for the Church of England.

PUBLIC INSTRUCTION (IRELAND).]

The Bishop of *Exeter* said, that seeing the noble Viscount in his place, he should take the liberty of asking, whether the noble Viscount had any objection to lay before the House a Copy of the Commission issued to the Commissioners of Public Instruction in Ireland, and particularly the Commission directed to Mr. Craig.

Viscount *Duncannon* said, that he had no objection whatever to produce the Commission; so far from it, that if the right rev. Prelate moved for it, he should be willing to second the Motion.

The Bishop of *Exeter* asked whether the noble Viscount was now prepared to lay the Commission on the table.

Viscount *Duncannon* said, he should be able to do so almost immediately.

THE CHURCH.] The Earl of Wilton

presented a Petition from certain inhabitants of Manchester, in support of the independence of this branch of the Legislature, and praying that they would not consent to any measure calculated to weaken the temporal and spiritual capacity of the Church of England and Ireland. The petition was signed by 10,512 persons. The wealth and intelligence of those who had signed the petition did not form the only ground on which the petition was entitled to the most serious attention of their Lordships. The circumstance to which he was anxious to call the attention of the House was, that the name which appeared at the head of the multitude of signatures to the petition, was that of a gentleman of large landed property and great independence of character, who was himself a Roman Catholic, and who testified in this manner and by this means, his disapprobation of the attempt to weaken and impair, to undermine and destroy, the Established Church. He had the honour of being acquainted with this gentleman, who, he was proud to say, was influenced by no other feeling than an anxious desire to record his opinion of the advantages derived from the institutions of the country, and of the admirable and real practical liberty we enjoyed. He was deterred by no menaces, and influenced by no fears, when he thus frankly put his name to this petition. His doing so was itself an answer to the vain-glorious boast that the Catholics of Ireland had overpowered the Protestant Members of the English House of Commons. The Gentleman in question had honourably come forward on the present occasion.

Lord *Shelmersdale* said, that it would be invidious were the name of this gentleman above referred to given, because all the other Catholics of the neighbourhood entertained a similar opinion. The signatures to this petition were quite unsolicited.

Petition laid on the Table.

HOUSE OF COMMONS,

Monday, May 18, 1835.

MINUTES.] Bills. Read a first time:—Annual Indemnity; Assizes (Ireland).

Petitions presented. By Mr. CHALMERS, and Mr. CUTLAR FERGOUSON, from Places in Scotland, for a Grant of Money, to provide Church Accommodation.—By Mr. BAILIE, from Worcester, against the Imprisonment for Debt Abolition Bill.—By Mr. WILLIAM DUNCOMBE, from Attorneys of Richmond, (Yorkshire) against the Ecclesiastical Courts' Bill.—By Mr. SHARMAN CRAWFORD, from

certain Presbyterians of Bangor (County of Down) for the Abolition of Tithes.

THE TITHES OF KIRKHAM.] Lord Stanley rose to present a Petition, which he brought forward very unwillingly, as it contained very serious Charges against a Person high in rank in the Established Church of this country, and who, as he understood, was, and had been for a long time, suffering under pecuniary and family distress. At the same time he felt that the duty which he owed to his constituents, rendered it imperative on his part to submit to the House those complaints which they made, and, he thought, justly made, of the conduct of their pastor—conduct that furnished them with an instance of the necessity which existed for a real and substantial Reform of the Church, such as he trusted his Majesty's Ministers would effect. The gentleman to whom he alluded, was, he believed, one well known to the House, to which he had formerly officiated as chaplain, Dr. Webber, Prebendary of Westminster, Dean of Ripon, and Rector of Kirkham, in Lancashire, of whom the petitioners, the inhabitants of that parish, complained. When the House looked at the condition of the parish, it would be seen from the great extent of it, (and similar instances of parishes, he was sorry to say, frequently occurred in the North of England,) that it was certainly impossible for any one clergyman to discharge the spiritual duties connected with it, beneficially and with effect. The petitioners stated that, in addition to the town of Kirkham, there were 12,000 inhabitants distributed over an agricultural district, included in the parish eight miles in breadth, and two in length; that the parish, taken altogether, comprised an extent of 130 square miles; that it was divided into seventeen townships; that so long ago as 1650, an inquisition of the parish took place, and that the Commissioners reported that it was extremely desirable, considering the extent of the parish, that it should be divided into several smaller ones. It further appeared, from the statement of the petitioners, that of the seventeen townships into which the parish was divided, there was Church accommodation afforded by the parish Church, sufficient for the inhabitants of two townships; that five others had separate chapels of ease for their accommodation; that there was one chapel the gift of the vicar, and endowed by him; that

the endowments of those separate chapels averaged 190*l.* per annum; and that there were eight townships in the parish without the means of religious instruction at all. In one instance—and could there be a stronger one?—the distance of the parishioners from the parish church was twelve miles, and there was no place of worship in the intervening extent. The great tithes of this parish were inappropriate, and the property of Christchurch College, Oxford. It appeared from the statement of the petitioners, that in the year 1814, Dr. Webber was inducted into the parish, he receiving the small tithes of eight townships, while Christchurch received the great tithes of all, and the small tithes of nine townships. The small tithes appropriated to the rector, amounted, at the period of Dr. Webber's induction, to 250*l.* a-year; on that occasion there was an arrangement made with the parishioners, in consequence of which the rectorial small tithes were increased from 250*l.* to 1,000*l.* a-year. When that arrangement was made, Dr. Webber expressed himself, in letters which he had in his possession, deeply grateful for the liberality of his parishioners, and he volunteered a statement to his parishioners, to the effect that no alteration should be made during his incumbency in the amount of those tithes, and that nothing should induce him to become non-resident, or to absent himself from the discharge of his parochial duties. This was the consideration which he promised them in return for their liberality to him on that occasion. From 1814 to 1829, Dr. Webber resided amongst his parishioners; but in the latter year he was presented with a prebendal stall in Westminster. About the same period, unfortunately for his parishioners, he was inducted into the Deanery of Ripon, and from that time to the present, with the exception of one single occasion, he had never set foot in the parish, though, the petitioners observed, he had at the time the small tithes were raised, made residence one of the conditions under which he voluntarily placed himself. The petitioners did not object to the fair and equitable emoluments of their pastor, but they were anxious to see a larger amount of them appropriated to the providing sufficient religious instruction for the parishioners. In the present instance, it appeared that of the two curates employed by the rector, one was the master of the

grammar school at Kirkham, one of the fundamental rules of which was, that the master of it should attend to no other business but that of the school. The appointment, moreover, was protested against by four of the visitors of the school. However, Dr. Webber, notwithstanding this protest, appointed this gentleman to the discharge of parochial duties, which the petitioners alleged, were inconsistent with the discharge of his duties at the school. The petitioners further complained, or rather they made an appeal to the liberality and justice of Christchurch College, with regard to the impropriate tithes of the parish. It appeared that many years ago those impropriate tithes were valued at 3,500*l.* a-year. Now, the petitioners conceived that Christchurch, looking at the enormous extent of this parish, and seeing that the rectorial tithes were not sufficient to provide adequately for the religious instruction of the parishioners, should, with a view to fulfil the purpose for which those tithes had been granted, allow a portion of the great tithes received by it, for that object. It appeared that so long ago as the year 1650, the great tithes of this parish were let to a person, specified in the lease as a delinquent Papist—a person of the name of Clifton, of a most respectable family in Lancashire, whose descendants, curious enough, being all Catholics, continued to hold those tithes under lease from Christchurch College. The present lineal descendant of that gentleman, was High Sheriff of Lancashire, and had only lately become a Protestant. The petitioners complained that of these great tithes, amounting to 3,500*l.* a-year, the College of Christchurch, and their intermediate lessee, enjoyed all the benefits, while none of them went to the supporting of the parochial minister, or the endowment of the parish. The College of Christchurch must surely be anxious to see the objects for which those tithes were granted, fulfilled. The petitioners stated, that if Christchurch would adopt a different mode of leasing those tithes, for which he (Lord Stanley) understood that they had, on one occasion, received 10,000*l.* as a renewal fine for seven years—that if a different system were acted upon, adequate means would be supplied for the maintenance of clergymen for the discharge of the parochial duties, while a sum, as large as the present, would still

go into the pockets of Christchurch. It appeared from the statement of the petitioners, that in the year 1832, Dr. Webber returned to the parish, but under circumstances not of a very conciliatory nature. He returned, notwithstanding the arrangement which he had made in 1814, feeling it his duty, and he (Lord Stanley) believed that he did feel it his duty to his successor to do so, to set aside those moduses, with which he had formerly expressed himself so thoroughly satisfied, and to raise those tithes, which had been already so greatly increased. The parishioners naturally resisted this attempt on his part. He then made a proposition to the effect, that he would abstain from all legal proceedings, provided the parishioners would defray all the expense which he had already incurred by those proceedings, that they would pay a certain sum for the improvement of the rectory-house, and that they would raise the tithes from 1,000*l.* to 1,600*l.* a-year. He added to them, that upon these terms Christchurch would be willing to enter into terms to divide the parish, but upon no other. The parishioners felt deeply aggrieved that Christchurch should thus be found to act contrary to the spirit that had dictated the original grant, and that it would not make an appropriation out of this 3,500*l.* of great tithes, so as to enable the parish to be divided, in conformity with the Report of the Commissioners in 1650. The petitioners prayed the interference of the House for two specific purposes; the first was—and he trusted that his Majesty's Ministers would, without loss of time, introduce a measure with that view—more especially where clergymen were adequately provided for—that residences should be strictly enforced. The next was (and he was afraid that practically this prayer of the petition would be more difficult to accede to,) that the Bishop of the diocese, or some other competent authority, should make it imperative on impropriate rectors and vicars to make endowments, in conformity with the 4th of William 4th, for chapels of ease in the parishes belonging to them, where they were necessary. There were certainly great difficulties about this matter, and he was, therefore, the more anxious that Christchurch should take up the case; and seeing his hon. Friend, the Representative for the University of Oxford, in his place, he wished to urge the request upon his hon. Friend—a

request that to him seemed a very reasonable one, and for which he would quote to his hon. Friend an authority which he thought his hon. Friend would admit to be a valid one—it was the authority of the Protestant King, James 1st of England. The passage which he was about to quote, and which was extremely applicable to the present time, was to be found in a letter dated in 1603, addressed by James 1st to the University of Oxford. In that letter, James states, that knowing there was no greater obstruction to the furtherance of religion, than the want of competent livings for the support of learned men, it appeared to him that this evil could be remedied, by restoring the inappropriate tithes to the purposes for which they were originally granted; that he had commenced with so applying the inappropriate tithes that were in the King's hands, that he now applied to them in the first instance, as it was fitting, in such a good work, the Universities should be forward in setting such an example, and that he, therefore, recommended the Chancellor, and the heads of houses, and other discreet and learned men of their body, to assemble, and to appropriate a portion of the inappropriate tithes belonging to the different Colleges, to the providing proper ministers in the parishes whence those tithes were derived, yet so as to leave those Colleges sufficient things necessary for their maintenance. He recommended this royal recommendation to the attention of the hon. Baronet opposite, and of the College of Christchurch in particular; and he earnestly hoped that, after the case he had stated, this matter would be taken up by the House, examined, and inquired into seriously and effectually, so as to reform those great abuses and evils that at present darkened the Church of England. He would not offer any further observations, but would beg leave to bring up the petition.

The Petition from the landowners and other parishioners of Kirkham, was read. On the Question “that it do lie on the Table”—

Sir *Robert Inglis* said, that even if his noble Friend had not appealed to him so directly, sitting there as he did, the Representative for the University which was so much interested in the subject of this petition, the House would expect him to say something on the subject. His noble Friend had stated the amount of tithes re-

ceived from this parish, but he begged leave to say, that the amount of tithes in a given parish, or their reasonableness, or whether the parishioners paid more than they ought for the spiritual benefit they received, or whether the vicar should receive 1,000*l.* a-year, or Christchurch, Oxford, 3,500*l.* a-year, was not the Question before the House; the Question was, whether, as the law was at present, the parties entitled to those tithes called for, or received, a single shilling more than they had a right to. Some might say, that 1,000*l.* a-year was too much for a vicar, and others might think that 3,500*l.* a-year was too much to be raised as tithes, and granted to a college, but that was not the question now before the House. He would repeat that the Question simply and solely was—did those parties demand or receive more tithes than they were strictly entitled to? His noble Friend had said that it was only reasonable to request the college of Christchurch to make over those tithes, or a portion of them, to the purposes for which they were originally destined. Now, he (Sir R. Inglis) was perfectly willing to rest the case of the vicarage of Kirkham on those grounds only, provided that his noble Friend on his part would engage to endeavour to make the property of every other proprietor of Church property convertible to the same purposes. He did not see the noble Lord the Secretary for the Home Department in his place. He hardly knew, indeed, whether at present that noble Lord would find any place to return him to Parliament. If, however, that noble Lord was in his place, and if his noble Friend, the member for North Lancashire, should make a motion to the following effect, he was sure his noble Friend would find a ready seconder for such a motion in the noble Lord of the Secretary for the Home Department—namely, that all who held church property under grants of Henry 8th were bound to provide the spiritual benefit of the parishes from for which such property was derived. He was extremely sorry that on the present occasion the noble Lord, the Secretary for the Home Department, was not in his place. At the fitting time he should be ready to meet that noble Lord on this Question. The question, in the present instance was not whether the amount paid was too much or too little, but whether the Petitioners were made to pay

more than they were legally bound to pay. With regard to what had been said by his noble Friend as to the compact entered into by the rector of Kirkham, with his parishioners, he apprehended that the character of that agreement was this,—that if they, the parishioners of Kirkham, should give him, the vicar, 1,000*l.* a-year to be paid without litigation, he promised on his part for himself not to ask for an increase of it. Now that condition had not been *bond fide* adhered to by the parishioners of Kirkham, and he believed that the vicar had been obliged to issue summonses, in many instances to enforce the payment of his tithes. His noble Friend had stated the difficulty of providing spiritual instruction in this parish, owing to its great extent. He felt that difficulty as much as his noble Friend. He was as desirous as his noble Friend that there should be a resident minister in every parish in the kingdom, but this he would say, that increasing as the population of England was, it was not more pressed for spiritual than it was for material subsistence. He would venture to say that there was no parish in the north of England that, in proportion to the amount of its population, was better supplied with spiritual instruction than the parish of Kirkham. The population amounted to 11,000; there were three churches, four chapels of ease, and the actual vicar had fitted up one at his own expense in another township for public worship. It had been stated by his noble Friend that the actual vicar was a non-resident, and the petition stated that he was non-resident without cure of souls. Now, in point of fact, from the time that he had become Dean of Ripon he had duty to perform in the church of Ripon, which was the parish church of the town. He had, in fact, to discharge the duty of rector of Ripon. Dr. Webber discharged at present all the duties of a parish minister in Ripon. It could not be said, therefore, that he was non-resident in the strict sense of the word, for he had the cure of souls. The Petition went on to allege as a grievance that the curate had been appointed master of the Kirkham school. [Lord Stanley: No, but that the master of Kirkham school had been appointed curate of the parish.] He apprehended that the curate never heard that this had been considered a grievance until he read

the complaint in this petition. The noble Lord said that four visitors of the school had protested against this appointment. He believed that the election of visitors to this school was made annually, and that if the visitors should in one instance disapprove of the appointment, other visitors might have approved of it. In point of fact, so far from the master of the school being separated by law or custom from the church of Kirkham, there was actually a decree of the Court of Chancery under which he was compelled to preach at least once a-month in that church. That decree bore date 1763. That was not only so, but the report of the charity commissioners, who had investigated all the affairs of this school, stated, that the curate did so perform the duty. He thought he had now liberated the curate from the effect of this charge, and that it might also be said he had liberated the vicar from the charge of having appointed an improper person to the care of this parish. His noble Friend would see the duty of the curate specified in the very terms he had mentioned in the 11th report of the charity commissioners. His noble Friend had said that the vicar never came to the parish from 1829 till 1832, and that he came then under peculiar circumstances not tending to his credit. The fact was, that Lord Tenterden's bill came into operation that year, and the vicar came to Kirkham, not with a view to his own benefit and advantage, but, as he distinctly and emphatically stated, for the benefit of his successor, and to prevent the rights of that successor from being compromised by any agreement as to moduses which the vicar might have made with the parishioners. Unless the house was prepared to adopt the doctrine that the right of property was to be compromised and sacrificed because a party had spiritual duties to perform, but that the right of property was to be maintained where there were no spiritual duties to discharge at all—unless, he said, the house was prepared to go that length, neither his noble Friend nor the House could blame the vicar of Kirkham for protecting the rights of his successor. He understood from a letter which he had in his hand, and which he had received from the curate of Kirkham, that he had never heard of this complaint of his being also the master of the school until he had seen it stated in this petition. With respect

to the conduct of the vicar, this gentleman stated in his letter what the vicar had done towards providing adequate means for spiritual instruction for the people of Kirkham, and that he had done it at his own expense. He would repeat that this was not the case of a vicar deserting his duty without taking cure of souls elsewhere. Neither was it the case of a vicar neglecting the spiritual instruction of his flock, for the vicar of Kirkham had provided two curates for the parish, besides other curates for the four chapelries; and lastly, it was not the case of a man who had sought emolument for himself, though in law he had a right to it, but the case of a man who, seeing the rights of his successor placed in jeopardy, stepped forward to protect and preserve them. On a former occasion, when Lord Tenterden's act was under discussion in that House, the then and present Attorney-General congratulated him on having found a zealous and powerful advocate for the Church in the person of the hon. and learned member for Southwark. With regard to that hon. and Learned member, he really believed that he was as Friendly to the Church as the hon. and Learned Attorney-General, and therefore he did not slight his aid on that or any similar occasion. He hoped to have it now, when the right of property in the Church was so violently attacked: when the rights of property were attacked, as they were at present in the case of the Church, should that attack prove successful, the rights of private property would be next invaded. His noble Friend, the member for North Lancashire, would allow him to say, that he was the last person in that House whom he would accuse of being willing to sacrifice the rights of the Church. His noble Friend and he had differed, two years ago, in respect to a proposition regarding the Irish Church; but his noble Friend had since made a stand upon the subject, and he was sure that upon principle his noble Friend would always defend the united Church of the two countries. His noble Friend would, however, excuse him for saying that when he brought forward a petition of this kind he should have guarded himself more than he did on this occasion in his statements. The question, he repeated, here was not whether 1,000*l.* a-year was too much to pay the vicar, or 3,500*l.* a-year too much to pay Christchurch College? The question was, had they a right to it? He

could not help thinking, that whenever they should come to take the question of the *plus or minus* of Church property into their hands, the security for all property would be endangered. The vicar of Kirkham neither neglected his duties nor was he avaricious in the amount of tithes that he sought. He was willing to repeat the statement he had made in the outset, that if all the holders of Church property in the empire were bound by one and the same rule, the University of Oxford, which had a direct and visible interest in the maintenance of the Church of England, would be ready to act upon the new rule which his noble Friend would apply to the Church-property in the possession of Christchurch College. But his noble Friend was wrong in supposing that the rule he stated was a new one. One college in Oxford that held 2,000*l.* a-year impropriate tithes had surrendered the leases so as to increase the value of the livings in the various parishes from 5,000*l.*, which they were in the aggregate, to 8,000*l.* per annum. He was aware that legal difficulties might operate in other cases, but he stated this fact to show that the principle advocated by his noble Friend had already been adopted and recognized in Oxford. The University of Oxford, therefore, had not to learn that lesson even from his noble Friend whose able stand in behalf of the Church the College could never cease to respect.

Mr. *Harvey* said, that the subject was indeed a most important one, and he was very glad it had come before the House from such a quarter; had it proceeded from the humble individual addressing them, there would have been an instant cry of spoliation, robbery, and utter destruction. He had on a former occasion ventured to broach the subject in a speculative way, not for want of practical illustrations, however, but because if he had brought ever so many proofs to bear on the point, he should have been met with the same kind of vituperation as a wisher for the spoliation and destruction of the interests of the country, &c. and be reproached with taking invidious means for accomplishing his ends, without daring to grapple with the great principle. If the House had not adjourned over the day on which his Motion on the subject of Queen Anne's bounty was to have come on, he should have shown, beyond a cavil, that the present was not, as pro-

bably the noble Lord and many others in the House thought, by any means a solitary instance of clerical rapacity; but that, on the contrary, something of the sort might be found in almost every parish throughout the country; and that, moreover, there were a great many more cases than one in which even lay impropriators, not content with their enormous receipts from the tithes, had dipped their hands pretty deeply into Queen Anne's Bounty, and the million of money which, in the course of the last twenty years, had been given by the State in aid of small livings. The impropriators of Kirkwall, as likely as not, would be found among the number. King James's Letter would do for a great many lay impropriators, as well as for the colleges. He did not mean to say that the tenure of individual lay impropriators was the same with that on which the colleges enjoyed impropriate tithes. In the latter case the property had been transferred to the colleges, at the time of the Reformation, simply in trust for the Church, and they held it on that simple tenure. In the former case not only was the annual grant in many cases of quite a different character, but the property, although in some instances perpetuated in the same families, had in numerous cases changed hands from one to another, in regular course of purchase and sale; and here, of course, would be found a great difficulty, though not, looking to the omnipotence of Parliament, an insuperable one. He had been just described by the hon. Baronet—he supposed in all good faith—as a friend to the Church; he could assure the hon. Baronet that he was such, and therefore most anxious to remove from it its manifold abuses. For this reason he trusted that the noble Lord would not content himself with laying the petition on the Table, but that he would bring it forward in a more substantial manner; if not, he at least, should have an opportunity of laying the whole matter before the House at some time during the Session, by means of his Motion respecting Queen Anne's Bounty, in introducing which he should show that not a few of the largest impropriators of tithes—many of them to the extent of 1,000*l.* a-year, had had the gross meanness to claim and receive sums of money out of the sums voted by Parliament for increasing small stipends.

An *Honourable Member* said, he would not have said a word upon the subject,

but that the parish in question adjoined the one in which his own property was situated, and that he was one of the visitors to the school of which the curate alluded to was master. He would only say, that when the tithes were so much as 25*s.* an acre for potatoes, they could not be raised much more; and the visitors of the school were now debating whether they should not stop the money for the mastership, until the duties of the office were better performed, they not having it in their power actually to remove the individual holding it. The statements contained in the petition were to his own knowledge perfectly correct, and he trusted that such grievances would without delay be put an end to.

Mr. *Cobbett* said, he knew a parish in Hampshire which brought not less than 750*l.* per annum into the pocket of its lay impropriator, Lord Guildford, while the poor parson had but a miserable 15*l.* a year out of it, increased out of Queen Anne's Bounty and other taxes to about 70*l.* The Church abounded with such abuses, and they were its friends who brought them to light. It was by letting it alone that it would fall. If it was overturned it would be overturned by itself; it would be its dignitaries who kicked it down. Many of the archdeacons and deans had the sole appropriation of tithes, and of twenty things else out of parishes; the Archdeacon of Surrey had the tithes of five parishes all nearly joining each other, while the parsons of them had only a miserable pittance. An application was made to Parliament to tax the people to enable these parsons to live—he hoped the noble Lord who talked of reformation on this subject would come forward with a real reformation, something tangible. With such a reformation the Church might be saved; without it the Church would fall, and that right speedily.

Petition to be laid on the Table.

TITHES (IRELAND.)] Mr. *Sharman Crawford* presented a Petition from the Presbyterians of the county of Down, signed by 800 persons praying for the Abolition of Tithe, not only in substance but in name, and altogether denying the truth of the statement made by the noble Member for Down (Lord Castlereagh), that the Presbyterians of that county were willing to pay tithe. He was proud of the Presbyterians of

Ulster, and proud that they had made him their organ. Another subject touched upon in the petition was the *Regium Donum*, on which the House was aware other petitions had not long since been presented. He would venture to say, that it was the universal feeling of the Presbyterian body of Ireland that if they were relieved from the payment of tithes, no increase of the *Regium Donum* would be necessary. The petitioners were highly respectable landholders in the most Protestant part of Ireland, and Protestants in every sense of the word. The House would perhaps recollect the assertion of the noble Member for Down that he could raise the "No Popery" cry there, but this petition was a most effectual answer to the threat. The same noble Lord had said that a petition formerly presented subscribed with between 4,000 and 5,000 names, had been hawked about in order to obtain signatures. He asserted, on the contrary, that not one name had been so obtained, and that this petition represented fairly the sentiments of the whole body of Presbyterians. He challenged the other side to dispute the statement, that the feeling of many Protestants, even of the Established Church in Ireland, was favourable to the extinction of tithes.

Lord Castlereagh wished only to say a few words, and expressed his obligation to the hon. Member for Dundalk for contradicting the statement he (Lord Castlereagh) had made on a former day, that the Presbyterians of the county of Down were anxious to maintain the tithe system. The petition would carry with it whatever weight it deserved, and it certainly came from a body to the sentiments of which he was decidedly and constitutionally opposed. He was glad that they had found so able an advocate as the hon. Member for Dundalk. The petition went at once to the establishment of the voluntary principle; and upon that, and upon the Question of the *Regium Donum*, he could not agree with them. The hon. Member had mentioned that the two parishes from which it came contained fifteen thousand Presbyterians; if so, it was very odd that it was signed by only eight hundred names. As to its representing the sentiments of the whole Presbyterian body of the county of Down, it was hard to say that a representation coming from only two parishes spoke the sentiments of a whole county. He was inclined to doubt the deduction,

although the hon. Member might, perhaps, hereafter be able to prove that his statement was correct. The petitioners complained of the tithe system: he had hoped that the Bill introduced by the late Government would have had some effect in removing the prejudices existing on the subject; but now that the hon. Member for Dundalk had gone over to the other side of the House, no doubt he would be able to support the intended Tithe Bill of the present Ministers, retaining, of course, the appropriation clause; and when once it was carried, the petitioners would, of course, no longer object to the payment of tithes.

Mr. O'Connell said, that his only reason for obtruding himself upon the attention of the House at that moment was, that the petitioners had done him the honour to request him to support the prayer of their petition. If the noble Lord thought that the agitation of the Tithe Question was likely to raise a "No Popery" cry, he was totally mistaken. The selection of him (Mr. O'Connell) for one of their advocates was some evidence that the petitioners were not likely to fall into that error. Though the petition was signed by only eight hundred out of fifteen thousand Presbyterians, the eight hundred names were those of landholders. Hearing that 123 signatures of persons who were not landholders had been affixed, they had been struck out. They claimed from the House the benefit of the Christian principle, that no man should be compelled to pay any clergyman but his own.

Petition to lie on the Table.

BOROUGH OF STAFFORD DISFRANCHISEMENT.] Mr. Irton moved, that a new writ be issued for the borough of Stafford, for the election of a Member in the room of Sir F. L. H. Goodricke, who had accepted the Chiltern Hundreds.

Mr. Divett rose to move as an amendment, that the issue of the writ be suspended. He must begin by apologising to the House for having taken up the subject, because when the disfranchisement of this borough was brought under the notice of Parliament in the last Session, it was in much abler hands than his. His right hon. Friend the Member for Buckingham (Sir T. Fremantle) was the chairman of the Committee appointed in 1833 to inquire into the merits of the Stafford election. That Committee, after hearing the evidence

which was produced before it, came to the unanimous resolution that bribery and corruption had prevailed to such an extent at the election for that Borough, that it was incumbent it should be visited with the utmost severity consistent with the practice of the constitution. In conformity with that opinion, the Committee came to two resolutions, of which the first was, that "the evidence taken before them established a case of such open, general, and systematic bribery and corruption, that it was expedient that the Borough of Stafford should cease to return Members to Parliament." That resolution was followed up by another, directing the Chairman "to move for leave to bring in a Bill to disfranchise the Borough of Stafford." The circumstances which produced those two resolutions were so notorious at the time, that if he had been addressing the last Parliament, he should not have deemed it necessary to enter into any further detail of them. But as this was a different Parliament, and as there might be some Members in it who were unacquainted with those circumstances, he would state a few of the facts on which those resolutions were grounded. From the evidence submitted to the Committee, it appeared that a systematic plan of bribery and corruption had long existed in that town. It appeared that it was incumbent upon every candidate for its representation to commence with giving, as a preliminary to other operations, a fee of 5s. or 6s. to all persons who thought fit to attend to receive it. If one candidate did it, it was necessary for every other candidate to do the same. At the election in 1832, when it was known that a fee of 10s. had been given by one of the candidates, the friends of the other two deemed it necessary to distribute among the electors a second fee of 5s., although they had previously given one fee of 5s. to every voter who attended to receive it. At all elections a regular market was opened for votes; the price of a plumper was understood to be fixed at 5*l.* and of a split vote at 2*l.* 10s. At the election in 1832 the price gradually rose to 7*l.* and in some instances as much as 10*l.* and 11*l.* was given. Such was the eagerness with which this traffic in votes was pursued, that, according to the statement of one of the witnesses, on the morning of the second day of the election of 1832, finding from the person who had been paying on behalf

of one of the candidates, that his finances were exhausted, he proceeded to the bank and drew on his own account 500*l.*, which sum he gave openly in the market-place to the paymaster in a roll of bank-notes. Out of 1,049 electors who polled at that election, there polled on the first day 804 who were paid, and 141 who were not paid for their votes; and on the second day 48 who were paid, and 56 who were not paid; thus making 945 who were polled on the first, and 104 who were polled on the second day. It might, perhaps, be said that this practice existed in the borough before the Reform Bill, and that that Bill had put an end to all such gross venality and corruption. He would, however, remind the House, that the election of 1832 was the first general election after the passing of the Reform Bill. Now, at that election, not only did the old burgesses act corruptly, but also the newly-created electors, the 10*l.* householders. More than one-half of the householders who then voted as such received money for their votes, the numbers being 85 paid and 82 unpaid. It likewise appeared that 166 of the burgesses of Stafford, who voted under the old franchise, also occupied tenements of the value of 10*l.* and upwards. Of this number 109 were paid, and 42 not paid, making 151 who polled: the remaining fifteen did not vote. So confirmed was this practice of corruption and bribery in the borough of Stafford, that arrangements were made by the candidates previously to the election that the bribery oath should not be administered to any elector. Indeed, it was admitted that to have insisted on the administering of that oath would have been fatal to the interest of the candidate so insisting. Having thus stated the reasons why, in his opinion, the borough of Stafford was no longer fit to be intrusted with the duty of returning Members to Parliament, he would now proceed to state the reasons why he moved that the writ should not be issued now. He understood that some gentlemen were inclined to argue, that though it might have been proper to have moved the disfranchisement of the borough in the Parliament which had discovered its misconduct, it was not incumbent upon the House to renew that Motion in a Parliament assembled after the dissolution of the former one. But the admission of such a principle would be destructive of all purity of

election, for hon. Gentlemen knew by what had occurred in that House and elsewhere, that it was possible to obstruct by legal chicanery any bill of disfranchisement, so as to render it impracticable to get it through any single Parliament; and if so, it was impossible to disfranchise any borough in which it was rendered necessary to prove corruption against every voter. There was a valuable precedent in favour of the course which he recommended in the proceedings taken by the House in the case of the borough of Liverpool. In that case it was proposed to suspend the writ, although the bribery which formed the ground for suspending it had taken place at an election for a burgess to serve in the preceding Parliament. On that occasion, the right hon. Member for Montgomeryshire expressed himself to the following effect in support of the Motion for suspending the writ:—"I shall merely consider," said he, "the right of the House to suspend the issuing of a writ in a case in which since the suspension, there has been a dissolution of Parliament. On the question generally, I say that the House is not limited by any rule but that of its own discretion, and what in its opinion may best tend to promote the purity of election." After several discussions, the writ was issued to Liverpool, because a great measure was then pending for the improvement of the representation, which would add the 10*l*. householders of Liverpool to the freemen as electors, and because it was thought, from the vast commercial importance of Liverpool, it was requisite that it should have two Members to represent it. That argument, however, would not apply to Stafford, for there was little business done in that town.—[*"Hear,"* from Captain Chetwynd.]—The gallant Officer cheered him, as if he intended to say that much business was done there. In the last Parliament, with the exception of the two hon. Representatives for Stafford, who were in duty bound to do their best for their constituents, and of the hon. Members for Staffordshire, who hovered over the town like its guardian angels, not a single Member rose to say a word against the disfranchisement of the borough of Stafford. Another precedent in favour of the measure which he now recommended was to be found in the case of Grampound, and in the debates on that occasion, he again found the right hon. Member for

Montgomeryshire an advocate for the course which he was now calling upon the House to pursue. Referring the House to the opinion then given by Mr. C. Wynn, he must observe, that he had now stated the grounds on which he intended to move the suspension of this writ. He made the Motion in no party spirit; he felt it to be essentially necessary to support the character of that House, and to maintain the purity of election: for when a case was discovered in which four-fifths of the electors were proved to be bribed, it behoved the House to make a serious example of it, as a warning to all the electors in the United Kingdom. He should hold this language in any case; but he felt it still more necessary to hold it in the case of a county town, where the inhabitants were likely to be intelligent and respectable. From what had fallen from the right hon. Baronet opposite, in a recent speech, in which he declared his intention not to defend but to remedy all proved abuses, he trusted that he should have his support to the Amendment with which he was about to conclude, and that was, that the issuing of a new Writ for the borough of Stafford be suspended until Monday, the 22nd of June.

Captain Chetwynd said, that he had listened with attention and surprise to the arguments which had been advanced in support of his Amendment by the hon. member for Exeter. He had listened with attention, because he wished to know what were the overwhelming facts, proofs, and arguments, by which he intended to justify his Motion for suspending the issuing of this writ. He had listened with surprise, because up to that moment he had always looked upon the hon. Member as a friend of liberal principles, who was anxious to give the people every opportunity to exercise their elective franchise. To him it appeared that the greater part of the arguments which the hon. Member had used to induce the House not to issue this writ, were valid arguments to prove the propriety of issuing it. If the borough of Stafford were now to be put upon its trial—if accusations were again to be brought against it (as no doubt they would be, as the hon. Member had given notice of a Motion for one day this week), it became peculiarly necessary that it should have every advantage, and that every indulgence should be shown to it, that it might be in a situation to defend

itself. Its character was assailed, its best interests attacked, and it was entitled, in mere justice, to the services of both its Representatives, and not to be obliged to rely upon the advocacy of the humble individual now addressing the House. Ought it to be said, that the House of Commons, taking advantage of the absence of one of the Members for Stafford, and of the inability of the other, had passed a Bill to deprive the borough of its franchise? What would the hon. Member himself say, if he had a suit at law, and the judge, arbitrarily deprived him of the assistance of his leading counsel. Would not petitions from all parts of the country be presented to that House on the subject? Would not complaints reach them from every part of the kingdom. He maintained that the peculiar circumstances under which the borough of Stafford was then placed, rendered it more than ordinarily necessary that it should have the advantage of being represented by two Members in that House. He further maintained, that when the subject was under the consideration of the House in the last Session of Parliament, he completely refuted by argument, and expressed his readiness, if necessary, to refute on oath, the whole of the charges of bribery and corruption which were alleged against the borough, and upon which the measure of disfranchisement then under the consideration of Parliament was founded. The hon. Gentleman by whom the present Motion was brought forward stated that his object was to reform the borough of Stafford, and to introduce purity and morality into its elections. If that were really the case, why not give to the electors a fair trial? Why not afford them every assistance they could require in meeting the allegations referred against them in a fair, just and constitutional manner? Why, above all, when such grave and serious charges were hanging over their heads, should the hon. Gentleman seek to deprive them of one of their Representatives? The hon. Gentleman, the Member for Exeter, said he was aware that a general election had taken place since the allegations were preferred upon which the measures of last year were founded. Upon what ground, then, did the hon. Gentleman rest the present Motion? Of the 466 electors and burgesses who did him (Captain Chetwynd) the honour of voting for him

at the last election, he would undertake to say, that not one had been influenced, directly or indirectly, by the reception or anticipation of the slightest reward, gift, remuneration, compensation, or advantage of any kind whatever. He was ready to prove that upon oath. He would go further, and state that, calculating upon the chance or probability of there being another election for the borough, many of the highest and most influential persons resident in it had formed themselves into a Committee to support any candidate who should come forward upon liberal, just, and constitutional principles, and to prevent anything like bribery or corruption. So great, already, had been the power acquired by that Committee, in consequence of its reasoning and good sense, that he was quite confident, if the writ were allowed to issue, whoever had the good fortune to be returned for Stafford, would be returned as purely, as honestly, and as constitutionally, as any Member in the House. As reformation had commenced, and as reformation was going on, he asked the House what more it could require? If at previous elections unconstitutional practices had existed, what more could the House require than that they should be abandoned? If the borough had been corrupt, what more could be required than that it should become pure? He repeated that no unconstitutional means were resorted to at the last election, nor would any be resorted to at the next, if the writ which had now been moved were allowed to issue. As to what the hon. Member for Exeter had said about the 5s. and 10s. tickets, he (Captain Chetwynd) thought, as he remembered hearing the noble Lord the Member for Lancashire state upon a somewhat similar subject some time ago, that after an assertion had once been fairly refuted, it ought not to be brought forward again. When this subject was last under the consideration of the House, he had distinctly shown that there was no foundation for the allegation about the tickets. The hon. Member for Exeter, therefore, was not justified in the observations he had made upon that point. With regard to the case of Liverpool, to which the hon. Member had referred, he confessed he could not see any analogy between it and the case of Stafford. There was no petition against the return for Stafford—no application to suspend the writ—no allegation of any unconstitutional

proceeding; on the contrary, he was prepared to prove on oath that the greatest reformation had taken place in the borough, and that every illegal and unconstitutional practice had been completely eradicated from it. There was no analogy, therefore, between the cases of Liverpool and Stafford. At the present moment he was not prepared to go at any greater length into the subject; but should the Bill of which the hon. Member had given notice, for the disfranchisement of the borough, go to a second reading, he should then feel it his duty to enter into the whole of the circumstances of the case. On the present occasion he would only add, that he trusted, in fairness and justice, the House would allow the writ to issue, and thus extend to him the advantage of a colleague in the representation of the borough, to advise and assist in a case of so much difficulty.

Mr. *Cobbett* said, that if, as the hon. Gentleman had asserted, there really was no bribery at the last election for the borough, he (Mr. Cobbett) should be very ready to overlook the abominations of the past, and to expect better things for the future; but it was universally believed in Stafford and in all that part of the county that, with the exception of the thirty-three men who voted for Sir Charles Wolsely at the last election, all the electors were bribed. He was afraid that the borough was not quite so pure as the hon. Gentleman had been led to suppose; nay, he was afraid that the great body of the electors—of course without the knowledge of the hon. Gentleman—were most shamefully bribed at the last election.

Sir *Thomas Fremantle* having in the last Session of Parliament brought in a Bill to disfranchise the borough of Stafford, begged to state why it happened that, not having changed his opinion upon the subject, he was not the person to introduce a similar measure in the present Session. Being at the commencement of the year connected with the Administration, he thought it was not fair or proper towards the borough that a Bill of that nature—a Bill of a judicial nature—a Bill in fact of pains and penalties—should be brought in with any of the influence of Government supposed to be attached to it. Under the influence of that feeling, he declined to bring it forward again, and communicated to the hon. Member for Exeter who took a great interest in the Question, that such

would be his course. In consequence, the hon. Member for Newport took the matter up; and as that hon. Gentleman had now transferred it to the hon. Member for Exeter, he presumed that he had done so on precisely the same grounds as those which had influenced him (Sir Thomas Fremantle), the hon. Member for Newport, being now connected with the Government. He hoped the House would believe that his sentiments upon the subject remained wholly unchanged; and unless the defenders of Stafford could bring forward in the present Session some stronger evidence than they had ever produced before, he should certainly give his support to the Bill, which, but for the circumstance he had stated, he should himself have been the party to bring forward. He would next, beg leave to say a word or two upon the Question before the House for the suspension of the writ. If any vacancy had occurred in the last Session of Parliament, he should certainly have felt it to be his duty to move for the suspension of the writ. The only question to his mind therefore was, whether the fact of the intervening dissolution of Parliament had so changed the circumstances of the case, as to make it proper that the writ should issue. He confessed it was a point which weighed very considerably upon his mind; and if there were no precedents in which boroughs had been so dealt with after a dissolution of Parliament, he was ready to admit that he should feel himself placed in a situation of very considerable difficulty. But when he had so obvious a case before him as the borough of Grampound, which was disfranchised while it had two Members sitting in the House, without any petition having been presented against their return, and when the House also undertook proceedings against Liverpool in the last Session of Parliament under similar circumstances, he confessed that all difficulty was removed from his mind, and no doubt left as to the course most proper to be pursued. In what position did they stand with respect to the borough of Stafford? Were they on one and the same day ready to vote for the disfranchising measure of which the hon. Member for Exeter had now the management, and at the same time to vote in favour of the issuing of a new writ? In similar cases he thought the House had uniformly refused to issue the writ; and indeed when it was known to be the in-

tention of the House to proceed with a Bill of such a description as that introduced in the last Session of Parliament, he thought it would be very strange and very inconsistent, if the Writ were not suspended. One word in reference to what had fallen from the hon. Member for Stafford—that hon. Gentleman had told the House, that when the subject was last year under the consideration of Parliament, he had completely refuted all the charges alleged against the borough. He did not think that the hon. Gentleman went quite that length. He confessed, however, that he had derived great satisfaction from the statement, that the hon. Gentleman had made that evening, namely, that at the last election, the greatest purity had prevailed. He was glad to hear that; for, although it had falsified his own prediction—that Stafford never would and never could be pure—still he was glad to find he was mistaken, and he was also glad of it, because he knew it must have spared the hon. Gentleman a great deal of money. But when he found that the hon. Gentleman's imagination ran away with him so far as to lead him to tell the House, that he had completely refuted the whole of the charges alleged against the Borough last year, he must be excused for saying that he was afraid it must also have run away with him when he spoke of the purity of the last election. The hon. Baronet concluded by stating that he should support the Motion for the Suspension of the Writ.

Mr. *Edward Buller* maintained that the whole of the evidence given in the case of the borough of Stafford ought to be looked at with the greatest caution. In his opinion, the House was not in possession of sufficient information to justify the suspension of the writ. He would undertake to say, that no bribery or corruption had been committed on the part of the two sitting Members.

Mr. *Forster* took the same view as the hon. Member who had just spoken, and thought it would be an uncalled-for stretch of power to suspend the writ. He would agree to an address directing the Attorney General to proceed against any person who should be proved to have been guilty of bribery; but he was not prepared to go the length of disfranchising the borough.

Sir *Robert Peel* observed, that he had voted on a former occasion in favour of a resolution which declared that notorious

corruption existed in Stafford. He had also voted in a majority, he thought, of 88 to 11 in favour of the disfranchisement. He had voted also in favour of a resolution, declaring that notorious and general corruption had been proved. The House of Commons, in the course of the last Session, passed a Bill to disfranchise the borough, and sent it up to the House of Lords. Supposing no dissolution had taken place, he apprehended there would have been no doubt but that the House would in the present Session have originated a measure similar to that negatived in the House of Lords last year. The question was this. Did the recurrence of an election make such a difference as that the House ought not to adopt any further proceedings? He confessed he could see nothing in the circumstance of a general election having since transpired that should prevent the House from interposing in the case of this borough in the manner proposed by the hon. Member (Mr. Divett), who moved the Amendment. He thought it would be perfectly competent to the House to proceed in the manner that had been suggested to it, more especially as the suspension of the writ would not at all conclude the question of disfranchisement. It would be perfectly open to the House, if it thought fit, to appoint a Committee for the purpose of considering, whether or not at the last election the practice had been so pure, or whether there was such evidence of reformation in the borough as to insure purity of election for the future—that course would be open to the House, and would be perfectly consistent with the refusal of the writ. Indeed the refusal of the writ would enable the House to consider the matter much more fully, than if a writ were to issue, and besides it must be remembered that the issuing of a new writ would give a new vested interest; and after all that had taken place upon the subject, he thought it would not be right to give a new vested interest. Neither did he think it would be at all consistent with the opinion the House had expressed with respect to the disfranchisement of the borough, that it should now be intrusted with the power of returning another Member. He had naturally a strong desire that the capital of the county in which he resided should establish its claim to be intrusted with that power; but still, under all the circumstances, reserving to himself the right of voting as

he should deem fit upon the question of disfranchisement when it should again come before the House, he should on the present occasion vote with the hon. Member for Exeter, for the Suspension of the writ.

The Amendment agreed to, and the issue of the Writ suspended accordingly.

ORDNANCE DEPARTMENT.] Mr. *Hume* after referring to the proposed plan for amalgamating the civil and military departments of the Ordnance, begged to ask the right hon. Gentleman (the Chancellor of the Exchequer) whether he was prepared either to agree to the appointment of a Committee of that House to inquire into the subject, or to renew the former Commission, or to appoint a new one, with the view of ascertaining how far the object he had in view could be accomplished? He (Mr. Hume) should not be satisfied to go on with the Ordnance Estimates, unless he received some assurance that measures would be taken to prosecute the inquiries which had already been commenced upon the subject.

The *Chancellor of the Exchequer* replied that it was the intention of his Majesty's Ministers, without delay, to renew the Commission appointed under the Government of Lord Grey.

THAMES TUNNEL.] Mr. *Walter* begged again to revert to a subject to which he had alluded a few nights ago. A short time before the recess he saw a statement, that a considerable sum of money, upwards of thirty thousand pounds, had been advanced in part payment of a sum of 270,000*l.* agreed to be advanced by the Government to the Thames Tunnel Company, and it was said at the time that the Government were entitled by Act of Parliament to make that advance. Now, considering the 270,000*l.* so agreed to be advanced, to be in some jeopardy, the question he wished to put was this, whether the right hon. Gentleman, the Chancellor of the Exchequer, had any objection to lay before the House all the information which Government had received encouraging it to make the advance, and also what security was proposed to be given for the repayment of it.

The *Chancellor of the Exchequer* replied, that the advance had been made upon the strength of certain representations which were last year laid before

the Board of Works. All who had read the Act of Parliament, were aware that the money was advanced on security of the whole of the property of the Company. There would be no objection or difficulty to produce the documents to which the hon. Gentleman had referred.

Mr. *Walter* was afraid that the security was no other than that of a losing concern.

The House resolved itself into a Committee of Supply.

SUPPLY (BRITISH MUSEUM).] Sir *Robert Peel* did not mean to detain the House by entering into any details with respect to the vote which he meant to propose. Such a course, under existing circumstances was wholly unnecessary, and, as a Select Committee had been appointed and were now sitting, for the purpose of inquiring into every matter connected with the expense of keeping up the British Museum, that was an additional reason why he should not detain them by unnecessary statements on the present occasion. The House, however, would hear with satisfaction, he had no doubt, that the public advantage derived from this institution was on the increase, and this would be apparent from a comparison of the two last years. In 1833, the number of visitors was 210,000, and in 1834, 237,000. The readers were in the former year 58,800, and in the latter 70,266, while the students in sculpture, during the interval he had mentioned, had increased from 4,490 to 5,645. The right hon. Baronet concluded by moving that a sum not less than 17,796*l.* be granted to his Majesty for defraying the expense of the British Museum.

Mr. *Hume* did not mean to object to the vote, but he thought the public institutions of this country should be more accessible to visitors than they were. In this respect this country was behind the nations of the Continent, and for his part he would not only extend the days, but the hours, during which the British Museum was kept open for the reception of the public.

Mr. *Cobbett* could not consistently with justice to his constituents, who derived no benefit from this institution, concur in this vote.

Dr. *Bouring* assured the House that it was impossible to estimate the progress which had been made by the industry of

foreign nations, in consequence of the manner in which works of art were exhibited. He could not look without satisfaction upon those cheap works of art which were now made accessible to the people, so that copies of some of the most exquisite busts of Canova, and other foreign artists, could now be obtained for a few pence. He augured much good from an attention to that matter, and earnestly trusted that means would be found to make everything connected with the art belonging to the nation accessible to the public, and that everything would be done which was likely to refine the public taste, or augment the knowledge of the lower classes. He must confess that he regretted the hours at which the British Museum was open were precisely those in which many workmen could not attend. He should rejoice if means could be found (and he hoped they would be found) of inducing hundreds and thousands to study those works of art, from which he was convinced great improvement would follow to the manufactures of the country. He could have said more, but his hon. Friend the Member for Liverpool intended to call the attention of the House to that subject particularly; he (Dr. Bowring) watched with great interest the cause of science in this country, because, though great industry and activity, and mechanical perfection, had given great Britain a superiority over other nations, yet other nations had their superiorities too, which were principally to be traced to the great attention that had been paid in them to the accessibleness of works of art, and to the fact that if there were anything beautiful or good it could be visited without the payment of a fee; while in this country a very great proportion of the works of art, though they belonged to the nation could not be reached by the people in consequence of the sum demanded as a fee; the facilities which had been given in the British Museum had done much, and he (Dr. Bowring) hoped those facilities would be greatly increased.

Motion agreed to.

ORDNANCE ESTIMATES.] Colonel *Leith Hay* said, that in rising to bring forward the Ordnance Estimates it was not his intention to trespass at any length on the attention of the House. These Estimates had, as they all knew, been drawn out under peculiar circumstances.

They had been prepared by the late Government, and it had been his duty since his accession to office to investigate them thoroughly. He had carefully gone through the various items contained in them, and the conclusion to which he had come was, that they had been drawn up with equal regard to the safety of the country and to the principles of economy. He was perfectly satisfied that in the preparation of these Estimates both these important considerations had been duly attended to, and in his opinion, therefore, the Estimates were such as the House ought to agree to. Since last year no material alteration had taken place in the Estimates connected with this department of the public service, and, consequently, no very great saving in the amount formerly voted had been effected in the present Estimates. The sum saved appeared small, but, under all the circumstances, and leaving out of the question a number of considerations—leaving out of the question, as they must do, the military establishment of the Ordnance—he must say that the expenditure had been reduced as much as possible, as much as, under existing circumstances, it could be with propriety and a due regard to the safety of the country. During the period Sir James Kemp was at the head of the Ordnance, from 1830 to 1834, upwards of six hundred offices connected with the civil department were abolished, and by that means a saving of 46,642*l.* 2*s.* 7*d.* was effected to the public. In the course of the same interval a reduction of 8,402*l.* was made in the salaries of officers, and, besides these, other savings were effected which, in the whole, amounted to as much as 59,000*l.* The business of the dépôt in Tooley-street had been transferred to the Tower and Pall Mall, and the vote which he meant to propose for defraying the expenses of the establishments at the Tower, Pall Mall, and Dublin, was only 72,193*l.* Besides the transfer of the dépôt in Tooley-street, other changes had taken place in the Ordnance department. In June last the Commissariat had been transferred to it by the Treasury, and of course the business of the Commissariat was now performed by the Ordnance. The Commissariat Estimate for the present year was 161,083*l.*; but to this a large sum was to be added for bread and meat for the Government barracks. It might be thought perhaps, that by these changes great additional ex-

pense would be incurred in providing for the management of this extensive department; but that was not the case. The additional expense did not exceed 964*l*, so that, in fact, the management was effected at the rate of about 7*s*. 10*d*. per cent. This, he was sure, could be considered extravagant by no one; for since last year a new arrangement had taken place respecting the establishment in the Australian colonies, which had previously been under the management of the Commissariat. Of course this arrangement was a cause of increasing the expense.— Since the last Estimates were brought before the House a statute had passed for regulating the affairs of the East-India Company. In consequence of that Act the Government of the Island of St. Helena had been transferred from the East-India Company to the Crown; and an Ordnance establishment had, of course, been sent out there. This last circumstance occasioned a further alteration in the estimates of the present year as compared with those of the past; but the removal of the great dépôt in Tooley-street would perhaps more than compensate for any seeming difference between the Estimates of the two years. The House would at once see that the saving was not present but prospective; and that, although the expenditure at the present time swelled the Estimate, a diminution must ultimately result to the public from the arrangements which had been made. In the course of six weeks or two months the whole of the establishment in Tooley-street would be removed to the Tower, and that would occasion a reduction in the expenditure. With regard to the barrack regulations which it would be his duty to bring under the consideration of the House, he must say that everything that was proper had been done to keep up those establishments in Great Britain, Ireland, and the Colonies, with as little expense as possible. But he must, at the same time, state that the Government had it in contemplation, before the next Session, to effect some alteration in those regulations, with a view to still further reducing the cost of the management of barrack establishments.— He trusted that this would be done before the Estimates of the next year were brought forward, and that an additional saving would be thereby effected. On the Estimates of this year, as compared to those of the last year, there was a diminu-

tion of 4,640*l*.; but the real difference between them must be considered with reference to the transfer of the Commissariat to the Ordnance. Last year no sum was taken in the Ordnance Estimates for the Commissariat, but the sum then voted for that service amounted to 134,785*l*. The sum intended to be taken now was 161,083*l*. The difference, however, (26,298*l*.) was occasioned by the expense of forage; but, in considering the two Estimates, these items really should not be taken into account. The charge for forage was 26,298*l*., and to this was to be added 1,656*l*., the day saved by the leap year, and the salary of the Treasurer of the Ordnance, which would give a further reduction of 1,000*l*. and these deductions, therefore, would, taken together, make an actual difference between the present and the last estimates of 32,594*l*. It was necessary that he should state, previous to moving the first vote, that an alteration had taken place with regard to the establishments in Tooley-street and the Tower. It had been the intention of the Government of Earl Grey to abolish the office of Treasurer of the Ordnance. That office had been considered unnecessary, and Lord Grey's Government had determined to do away with it. The late Government, however, had filled it up, and included the salary in their estimates; but his Majesty's present Ministers on coming into office, made up their minds to carry the intention of Lord Grey's Government into effect. The situation was therefore held for the present by his right hon. Friend, the Member for Dundee, without salary, until it could be placed on a different footing, and therefore the first vote which he would have the honour to propose would be 1,000*l*. less than the sum in the printed estimate. The hon. and gallant Officer concluded by moving that a sum not less than 7,193*l*. be granted to his Majesty for defraying the expense of the Master General of the Ordnance, and the officers and clerks employed at the Tower, Pall-mall, and Dublin for the ensuing year.

Mr. *Humes* said, it would greatly facilitate business if the pay-offices of the army, the navy, and the Ordnance were consolidated, and expressed his hope that a Bill to that effect would be brought in during the present Session.

Mr. *Cobbett* observed, that these sums were necessary to keep the system going;

to grease, as it were, the wheels of the system, by giving money to idlers; and to effect this properly it was necessary, that they should go from one estimate to another, to confuse accounts already sufficiently difficult.

Dr. *Bowring* said, that from the manner in which the Estimates were made out, it was very difficult to ascertain the cost of any particular Government.

Vote agreed to.

Sir *Thomas Fremantle* said, that when he was in office it had been found that the expense incurred by removing the stores, had been larger than estimated by a sum approaching 4,000*l.* and as the Treasury could not take sums appropriated by Parliament to other purposes, it was determined to bring the required sum, before the House in the Estimates for the current year.

In answer to a question from Mr. Robinson,

Colonel *Leith Hay* said, that in a department like the Ordnance, among the multiplicity of stores, it was found that it would be impossible to obtain some of them so cheap and good as those already on hand. When the House, however, had intimated a desire that the superfluous stores should be removed and sold off as fast as possible, consistently with the interests of the public, that desire had been followed up by the Board, though he was sorry to say, a large quantity still remained.

Vote agreed to.

Upon the Question, that a sum of 14,881*l.* be allowed for the "Home Stations,"

Mr. *Hume* called the attention of the Chancellor of the Exchequer to that department. If they took a walk to Hyde Park, they would see there a Magazine, kept up at an expence of 254*l.* for the salary of the superintendents. A guard of twenty-four men, was kept to take care of a few barrels of gunpowder. He wished to see the hon. Chancellor of the Exchequer go over the items of this Estimate, amounting in all to 14,881*l.* He must say, he saw no reason to continue many of the expenses of this department; it was a very different thing when the country was in danger of an invasion; but now God knew the country had no apprehension of that kind, and the only invasion it had to fear was of the pocket. Other nations had enough to do to take care of

themselves without troubling England. All those establishments which had been raised in war, ought now to be put down.

Colonel *Leith Hay* said with regard to some of those departments he agreed with the hon. Member. To show that the Board had every inclination to reduce, whenever it could be done consistently with the public interests; he would mention that since the estimates were prepared, the store-keeper at Fort William having died, the office was immediately abolished, it being thought that the duties could be performed as well by the Barrack master. The Establishment too at Pendennis was thought unnecessary, and had been abolished by which a saving of 460*l.* was effected every year. He merely stated these facts to show the inclination that existed on the part of Government to keep up no establishment which was not absolutely necessary.

Mr. *Cobbett* said, he saw no "must" in the case, he saw no reason why the country should keep up servants when it did not want them, any more than private gentlemen. There was the Superannuation List. Now, the noble Lord (Lord Howick) had observed last night, that he (Mr. Cobbett) looked upon the New Poor Law Bill as a "favourite subject of declamation." Well, if he must say so; it was a favourite subject of declamation, sure enough. It was tyranny; it was oppression; it was injustice. But it was impossible to think of the Superannuation List without thinking of the New Poor-law Bill. Why, when it was passed, they were told that to make "a provision for the aged and infirm poor," would teach them to be improvident in their youth; to be economical in their better days, there ought to be no provision for them, and then they would save up, and be independent in their old age. Now, why could they not apply that doctrine to the Gentlemen of the Ordnance? There was this difference, he confessed between them, the poor could not save any thing but health to labour, and often they had not a sufficiency of that; but those Gentlemen of the Ordnance had from 1,000*l.* to 1,500*l.* per annum, and why was there provision for them, then? But the Reformed Parliament first voted that the poorer classes ought to be compelled to "save" for their old age, and then, in the next breath, voted what was called

"superannuation allowances" to those persons who had in the public service, been able to save, and had not saved. It might call itself a "Reformed Parliament," but the people would call it what he (Mr. Cobbett) would not take the liberty of calling it.

Vote agreed to.

On the question that 27,983*l.* be voted for the expense of Foreign Stations,

Mr. *Roebuck* said, that was the most extraordinary vote in the whole estimate: he saw fortifications erected in Halifax, Prince Edward's Island, Canada, &c., now, what were all these for? There was a citadel in Lower Canada: what was that for? They would lose those countries in time, and lose their money with them. They were forcing the people of England to pay for expenses which were absolutely useless. They were not going to war, he hoped, and they should not incur all those enormous expenses by preparations for war. It was nothing more than to afford a pretence for sending out persons who might enjoy large salaries as superintendents,—an exceedingly convenient mode of getting rid of idle people! He hoped the Member for Middlesex would find means to restrain those expenses.

Colonel *Hay* said, the Duke of Wellington had sent a commission to Canada for the purpose of ascertaining the practicability of erecting the forts; and all which had since been done by the present Ministry, for the purpose of finishing those forts which had been begun.

Mr. *Cobbett* believed all these expenses sprung from a desire to squander away the public money; and he believed that the people of Canada and the people of England would stand it no longer. It seemed when an expense was begun, it must go on—Parliament had sanctioned it. Why, Parliament had never sanctioned this outlay, he never had, at least. The sanction of Parliament at one time was no warrant for continuing a wrong.

Mr. *Hume* said, upwards of two millions had been thrown away in that way in the wilds of America. The fortifications would cost 220,000*l.* more, 50,000*l.* had been expended already, and the remaining expenditure of 170,000*l.* he was sure, might be altogether prevented.

The *Chancellor of the Exchequer* admitted that that was a very difficult question. He could say that no works,

not necessary, would be erected. He did not express an opinion upon the subject; he was informed on it, that only such works had been begun as military men of competent acquirements had recommended. It must be a question with respect to some of the works which they recommended, whether there was an absolute necessity for them; but the House must rely on the judgment of the military men who had been consulted.

Mr. *Roebuck* said, that if the works were continued, they would be perfectly useless; the way to preserve Upper Canada was to govern it well, and if they governed them by their hearts, their hands would be quite strong enough to keep off the Americans. There was something very suspicious in that system of fortifying; he was not quite sure that they would not, one day, be turned against the inhabitants themselves.

The *Chancellor of the Exchequer* said, it was the opinion of an eminent military gentleman, that the forts would materially strengthen the country.

Mr. *Roebuck* said, that was not the question; the question was, whether the country was strong enough without them; and he hoped that in the liberal spirit of the Government, they would have a much stronger fortification than could be made of bricks and stone, and brass and iron.

Vote agreed to. The remaining Votes were agreed to, and the House resumed.

HOUSE OF LORDS,

Tuesday, May 19, 1835.

MINUTES.] Petitions presented. By the Earl of AROVNE from Kincardine, and by Lord BEXLEY, from St. Cyru (Scotland) for a Grant to the Scotch Church; and by the Earl of ROSEBERRY, against any such Grant from various Dissenting Congregations.

THE NEW POOR-LAW.] The Earl of Shaftesbury, as there was no further business before the House, moved, that their Lordships should adjourn.

Lord *Brougham* said, that before their Lordships adjourned, he wished to call their attention to a mistake which prevailed elsewhere as to the Poor-law Amendment Bill, namely, that the provisions of that Bill enabled the overseers to separate a man from his wife—a thing which the persons who were under this mistake seemed to consider a horrid crime; and there was, he understood, a proposition to introduce a measure to take that part of

the Poor-law Bill out of the Act. Now, that would be to perform an impossibility, for it was impossible to remove that which did not exist—and this provision did not exist in the Poor-law Act, in which there was not one tittle of any section giving a power to the overseers to separate the husband from the wife, nor any section giving any power of the kind, of which they were not possessed before the Bill passed, and which did not exist under the old law. He had made inquiries from several persons, and from the Commissioners themselves, and he understood that no separation had taken place under the provisions and the authority of the Act, nor could any such take place under its authority or provisions; but that whatever separation had taken place between husband and wife had been entirely independent of the Act, and had taken place under the old law such as it existed before the late Act was passed. There was no foundation in fact for the statement, there was no intention on the part of any human being whatever to separate the husband from the wife in the way described. But that they were separated in another sense of the word, though not under the new law, was possible enough. The matter had been discussed, and had been discouraged in that House when the Bill was before their Lordships; and there was nothing in the new Act that authorized parish officers to send husbands away from their wives. All the power they had on this point, they derived from the old law. To assert that they had such a power under the new law was a fiction, a pure and absolute fiction of some person's imagination. It was never intended by any human being connected with this Bill, or by the Board of Commissioners, either with reference to the metropolis or to the provinces, that such a power should be given. That, however, the overseers should claim the right of separation, not under the new law, but under the old law—that there might be such a desire on their part, was very possible. But let those who objected to this principle please to recollect the circumstances which led to the necessity of a species of separation—that of placing the wives in one part of a building and the husbands in another. There was no question about the fact, that married couples could not have separate rooms. There was, then, in the work-

house, a room like a barrack, with a row of thirty or forty beds on each side; and he would ask whether any decent modest woman would like to undress herself at night, and to dress herself in the morning, in the presence of all the inmates of such a place? Finding that poor but modest women were adverse to such a plan, the overseers applied themselves to the old law, and, in conformity with it, they placed the husbands in one ward and the wives in another. Now, if those gentlemen who complained of this system would advance or give a draught for 900,000*l.* or 1,000,000*l.* to effect the object which they had in view, he was certain that the overseers would be exceedingly obliged to them. The calculation was, that to give to each married couple a separate room would require nearly, if not wholly, 900,000*l.*, and that being subscribed, there would be no necessity for the overseers to act upon the old law.

The House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 19, 1835.

MINUTES.] Petitions presented. By MR. DUNLOP, from the Magistrates of the Calton, Glasgow, against the Abolition of Imprisonment for Debt (Scotland) Bill.—By MR. DIVETT, from a great Number of Places, for the Abolition of the increased Duty on Spirit Licenses.

NEWSPAPERS.] Mr. *Roebuck* presented a Petition from Leeds, signed by 700 persons, and several others from places the names of which did not reach us, against the Stamp Duties on Newspapers. The hon. and learned Gentleman, in supporting the petitions, said that the desire expressed in them had now become very general throughout the country, and he trusted that his Majesty's Ministers would, without further delay, accede to the popular feeling. It appeared, indeed, to be conceived by Government that certain existing fiscal regulations prevented them from taking off these duties; and this argument the right hon. the Chancellor of the Exchequer and his predecessors had always put forward. For his (Mr. Roebuck's) own part, however, he was convinced that if the Stamp Duties on Newspapers were taken off, the increase of the duty on paper and on advertisements would more than make up the deficiency. It was necessary that the people of this country should have an adequate and

proper press. He did not wish, in saying this, to utter a single word as to the mode in which the proceedings of that House were reported. He would ask, however, how the people of this country were to know the laws and the proceedings of the Legislature but from newspapers? Yet the truth was, that almost all the newspaper press of the present day was far beneath the intelligence and morality of the country, with the exception perhaps of some very few cases, among which he might mention *The Examiner* and *The Standard*. He wished the Stamp Duties on Newspapers to be taken off, because with them would be destroyed a monopoly which but too frequently was made the means of exercising a most improper and injurious effect on the public mind.

Petition laid on the Table.

COMMUTATION OF TITHES.] Mr. *Gilbert J. Heathcote* had a Petition to present, to which he would call the particular attention of the House. It related to the subject of Tithes, and contained a complaint against a most respectable Clergyman of the Church of England, for harsh conduct in the mode of enforcing payment of his tithes. It was with much regret that he felt himself called upon, in the performance of a public duty, to impugn the conduct of this Gentleman, who was non-resident. He should, in the few observations he would make, endeavour to discharge his duty in a way least offensive to the feelings of the individual. The petition was that of an individual, *John Gibbins*, residing in the parish of Long Sutton, in the county of Lincoln. He was a farmer and grazier, a most respectable man, and quite incapable of deceiving him. Before he had presented the petition he had acted with the greatest fairness towards the Clergyman, for he had written to him on the subject, and delayed presenting it till that Gentleman was fully informed of the nature of the petition. The petitioner stated, that his lands lay in five different parishes, in all of which he paid tithe. The boundaries of these parishes were undefined, the consequence of which was, that he was sometimes called upon by one Clergyman to pay tithe which he had previously paid to another. Some differences on the subject of tithe arose between him and the Rev. Mr. Bennet, the vicar of Long Sutton and of another parish, and a correspondence

took place between them on the subject. Having read that correspondence, it appeared to him that the petitioner was quite willing to come to some agreement. The petitioner states, that he frequently urged the Vicar to enter into some arrangement, rather than get involved in the expenses and trouble of law proceedings. He refused to do so, however, and continued to harass and annoy the petitioner by all the means which his situation as Vicar placed within his reach, and he lately instituted a suit in Chancery against him. This, as every person acquainted with the Court of Chancery must know, would turn out a costly and most troublesome business to the petitioner. The petitioner prayed the House to alter the present tithe system by the substitution of a just and well-regulated measure of commutation, and also that the boundaries of parishes might be ascertained. This would put an end to that litigation, and those differences which were constantly arising between Clergymen and their parishioners, and which must be highly injurious to the best interests of the Established Church. Something should be done to settle the Tithe Question finally. When so much had been said on the Irish Tithe Question, and so much time expended on it, the House would do well to consider that there were subjects of complaint also in England which demanded their attention.

The petition was brought up:—on the question, that it be laid upon the Table,

Mr. *Russell* said, he did not rise for the purpose of impeaching the petition; but as it contained very serious allegations against a most respectable Clergyman, he felt it is duty to make a few observations upon it, and to give to the petition the short answer to its allegations which he had received from the Clergyman himself. He was not only the Vicar of this parish, but the lay impropiator of the tithes. They were his hereditary property, his fee-simple estate. It was not from any feeling of personal hostility to the petitioner, but for the purpose of protecting his just rights, that he instituted proceedings at law against him at the recommendation of his law adviser. As the matter was now depending in a Court of Justice it was not quite fair on the part of his opponent to present a petition, which might prejudice a cause now in a course of legal investigation. The Rev. Mr. Bennet, in

his answer, stated that the allegations of the petition were at variance with the truth; that the lands occupied by the petitioner are wholly within the same parish; that he, at different times, accepted receipts for the payment of his tithes, purporting that the lands occupied by him were all within the parish of Sutton; that Mr. Bennet never insisted upon having his tithes in kind. On the contrary, in March, 1833, and since that time, the petitioner said he would pay them in kind, though he well knew that the Vicar had neither house nor yard in which he could conveniently receive them. This the petitioner insisted upon doing, though he paid for tithe only five shillings an acre, which was not one-fourth of what he in justice ought to pay. The Clergyman stated, that being unable to come to any amicable arrangement, he was obliged to place the matter in the hands of his solicitor. The gravamen of the petition was, that the Vicar insisted upon getting his tithes in kind, though in two instances the petitioner himself was the person who insisted on paying them in kind, well knowing that there was no convenience for receiving them. The litigation of Clergymen with their parishioners was a matter very much to be regretted, but when their just claims were resisted, as in the present case, they had no other remedy but to go to law. He was not in the slightest degree acquainted with either of the parties, but he considered it his duty to do an act of justice to this Clergyman when his character was thus attacked. He would do the same for any Clergyman similarly circumstanced. Mr. Bennet he had reason to know was distinguished for his liberality and in ninety-nine cases out of an hundred was content with less than he was justly entitled to.

Petition to lie on the Table.

EDUCATION (IRELAND).] Mr. Wyse rose to move, pursuant to a notice given at the beginning of this Session, for leave to bring in a Bill for the establishing a Board of National Education, to promote the advancement of Elementary Education in Ireland; the first of a series of measures which he trusted he might be permitted, as circumstances should allow, to submit to the House for the amelioration, more general diffusion, and permanent support of education in that country. He had placed his

notice early on the Order-Book, not with any factious or partisan design to embarrass this Ministry or to assist that,—so high and national a subject would, in his mind have been profaned by a limited and temporary application,—but from a deep and sacred conviction, of many years' standing, that of all great objects of national policy, which could engage the attention of subject or ruler, this was by far the greatest;—great now, great at all times; not a helper only, in the building up of society and civilization, but the only foundation on which all society and civilization must finally rest. He who neglected this, might construct what social edifice he pleased; he would soon find, to his cost, that he had been but “an architect of ruins.” He might range institution on institution, without that,—which alone could give the structure cohesion and solidity,—the pack of cards, at the first breath of civil commotion would come tumbling down. Constitutions were good and necessary, but a good Constitution might be long in giving a good education: it was scarcely in the nature of moral things that a good national education should not, ere long, render necessary and certain a good Constitution. These were his opinions in 1831.—enlarged and confirmed, and matured, they were more than ever his opinions in 1835. With little or no encouragement,—with apathy or hostility (and there were cases and times in which apathy was worse than hostility) to check even a mention of the subject,—with scarcely ten auxiliaries in this House, which now boasted its almost unanimous anxiety for some such measure, he had ventured, in the former year, with no hope of immediate success, but with a certain confidence of future, to solicit even a momentary attention to the first Bill ever introduced into Parliament for Irish Education. That Bill he should have pressed to a positive decision of the House, notwithstanding all the difficulties with which it was surrounded, had he not apprehended embarrassing, by such discussions, the progress of the Reform Bill then pending; and against which was arrayed sectarian as well as political prejudices, in either country. He received, too, the assurance, that many of its provisions would be reduced to early trial, by the then Government, in the form of an experiment; and that new aid would be thus afforded in every future discussion, from the strong evidence of experience,

The Bill was proceeding to a second reading in September—when Parliament was prorogued; and in the following October, the then Secretary for Ireland (Mr. Stanley), with a courage and wisdom which bore, indeed, a favourable contrast to the pusillanimity and purblind policy of former Governments, constituted in his "Instructions" to the Duke of Leinster, the present Board of Irish Education, on almost the precise model of the Bill. More than two years had now elapsed since that important experiment was first risked. In despite of every evil prophecy, calculated and intended to realize what it foreboded—in despite of every impediment which disappointed favoritism, political and religious bigotry, and, he was willing to believe, honest, though mistaken apprehensions had thrown in its way,—the experiment (as he should be enabled amply to prove in Committee) had as far as it was intended to go, most thoroughly succeeded. He might be asked, then, why disturb its progress, or endanger the already effected good, by attempting something better? Simply, because this progress was at this very moment exposed, from the want of some legislative sanction, to continual disturbance; and, secondly, because the good on which they had to congratulate themselves was far, indeed, below the standard, which as certain as that he was standing in the House of Commons, they were fully able to attain. The present system was confined and comparatively feeble in its operation; the distribution of its powers and duties (he had pointed out the defect in the beginning, and the results had since justified his apprehensions), was injudicious; and above all, were it to combine every excellence that human system could boast of, the nation had no guarantee for its duration: its annihilation, like its creation, might be the work of a day. It was right, perhaps, at the outset, considering not merely the hostility of one party, but the comparative ignorance of all, to invest it with this provisional character. Some prejudices must be wooed to be won, and where moral changes were in contemplation, no prejudice was to be altogether disregarded; light, too, was to be poured in, by degrees, on the darkness of the public: the very feeling that it was an experiment disarmed, and invited attention and patience for the result. But that time was passed, and to delay now was

not wisdom, but indolence or cowardice. The very dread that it would be allowed to continue in this wavering ambiguous state, dulled co-operation on the part of the public. Few men would zealously interest themselves in consolidating a fabric which might be destroyed the next hour. That these were not visionary fears, the conduct of the late Ministry gave ample proof. The right hon. Baronet himself,—though far superior in extended and rational views to those around him,—dwelling, indeed, apart from his colleagues in an intellectual atmosphere of his own—gave but a cheerless and cold assent to the measure; and as to his Irish supporters, they bowed, it was true, but with a most resolute reluctance, and claiming to preserve all their old hostility, to what many amongst them must have considered a very unworthy concession on the part of their leader. Now, what protected the system against these openly-avowed feelings in future? Nothing, surely, but the want of power. He would not leave it thus at the hazard of a die; if it were, as was averred, a great national good, it behoved the nation, and the House as the guardians of the nation, to see that it be placed not only beyond all danger, but all contingency. Nothing but the law, nothing at least so well as a law, could affect that. If it were to be conveyed a glorious gift, in full possession of the nation, it must be by solemn Act of Parliament, and not by an *ordonnance* of the King, or a bye-law rescript of an Irish Secretary. Nor was this a matter which, under pretence of complex detail, and immature inquiry required to be prorogued. The complexity apprehended might by the course he proposed, be easily simplified; there was little need of further inquiry,—they had inquired and hesitated enough—their duty now was to act. In this he echoed only the voice of the times, the cry of every street, and of every part of the country. Something bold, broad, and durable, must be done; and the sooner done, for the cause of the country and of education, the better. We now lived in a new world, and, with other minds than those which had preceded us, must work up our institutions to their level, unless we wished to expose the whole march of our social and political existence to jerks, and jars, and disasters,—we must look forward as well as back. It was not enough to repeat precedents, we must create them. Our ancestors

might be entitled to our veneration, but we owed virtue and happiness to our posterity. Steam had produced a great, and was likely to produce a still greater change in the combination and action of society.—space seemed annihilated,—towns had melted into each other,—men lived almost like one great family, in the presence of each other,—facility of communication rendered men more sensible to every impulse public opinion had acquired more activity, extension and energy,—combination, for any given cause, was infinitely more easy. Add to these the wholesale changes in the power of production; the new markets created; the old which they displaced, the innumerable vicissitudes which all these created, not only in individual families, but in very large masses of the community;—and some estimate might be formed of the mighty, and in some degree perilous, power of this moral, as well as mechanical agent upon society. Much patience and much wisdom were requisite to enable men to use its gifts so that they might not be turned into curses,—and to emerge from the old into the new state to which they were hastening, with permanent, as well as temporary advantage. Nor did those shocks occur at a time when we could boast of much national prosperity. Civilization indeed seems to have attained, in many instances its perfection, but the machine was wound up to its last turn of the wheel, the pressure of our population was everywhere felt. How this was to be alleviated, whether by raising our resources or restraining our population, might be a matter of discussion amongst economists: but in either case, forethought, and moderation and activity, and intelligence,—habits which education only could produce,—were confessedly indispensable. Nor was this all: there was another social change, more powerful, perhaps, in its influence than either of the preceding. The Reform Bill was now law—the country had its legislation—therefore, its destinies were in its own hands. Parliament had consecrated the right, and admitted the exercise of self-government, to its lowest detail. They could not stop at the threshold of Parliament. They must carry it down to corporations, to common juries, to parochial meetings: every citizen must in turn be governor and governed. These were functions to be exercised well, or not to be intrusted at all. Precisely in

proportion to such exercise, was the good order or confusion, the health or ill case of the community. Would they, then, trust to chance such causes and consequences? For the discharge of such high and difficult duties, would mere good intentions suffice? The very day the Legislature passed the Reform Bill, it bound itself by a solemn moral compact to provide for the proper working of the measure; otherwise it conferred upon the country, not a blessing, but a curse. And how was it possible the measure should work well, with such instruments to work it with, as an ignorant population? They might as well trust fire-arms to the hands of a child. Parliamentary Reform he boldly asserted, had rendered Education Reform indispensable. Every hour it was delayed, detracted from that great gift. The passing generation might not be within their power, but they were still masters of the future; young England was in their hands; they could still determine what should be her character and her history; and if such were their power, what must be their responsibility? Upon them it depended who should be the future benefactors or criminals of their country. But, in asserting the necessity of rigorously attending to the education of the country at such a moment as the present, “are you quite sure,” he might be asked “that education is at any time necessary, or even useful to the people?” He should not detain the House with that futile question; it was only amazing it had ever been listened to, or even started in that House. Those who stood forward in its support were the best refutation of the paradox themselves. But folly had been praised ere this, and there was no absurdity so monstrous, which might not find its fond or fantastic abettors. On what did their argument rest? On false data, erroneous assumptions, on conclusions which they could not believe, on which they would be sorry to act. The criminal returns of France, even on the shewing of Guerry, were no evidence against a sound system of education; on the shewing of Dupin they were strongly in favor of it; so also were those of Prussia, if they were to believe Dr. Julius; of Belgium if they were to believe Mounier; of Spain if they were to believe Laborde; and even those of England and Ireland, (and need he add Scotland), notwithstanding all the contortions to which they had been subjected,

were no less proof, that crime retreated before instruction, and that if it had not retreated more rapidly than it hitherto had done, it was solely because instruction had not begun sufficiently soon, been sufficiently good, or sufficiently applicable, to the individual place or time for which it was intended. They set about educating, in general, when miseducation had already set in—they took the grown-up boy and not the plastic infant—they had to undo, a far more difficult task, than to do—they carried on the process which ought to be purely mental, by purely mechanical means, with some knowledge of slates, desks and primmers, it was true, but with little or none of the science of mind, that was, without the only knowledge, absolutely indispensable to our purpose—they educated but half the being, gave him an intellectual without a moral, or a moral education without an intellectual, or a miserable smattering of both. They made him a reading, writing, and counting machine, whom God designed for a thinking, feeling, acting fellow man—they gave him precisely what he did not want, and refused him precisely what he did; making the artisan a Latin scholar, and the labourer a pothouse politician; and when they had effected this, and gone on for years and years,—and for generation after generation, effecting it, they suddenly turned round, amazed, that the thorn produced sloes, and consoled their self-love with invectives against education; whereas if they were not ignorant as well as vain, they ought to direct their indignation against their own utter indolence and incapacity, and endeavour to correct their awkwardness, instead of discarding the instrument they had so grossly misapplied. The great point, then, was, not whether they were to have education, but of what kind that education was to be. Knowledge, in itself was neither good nor evil; it was the application of knowledge which determined either. In this matter it was absolutely necessary they should decide. People seemed to think that, because they did not educate, no education is going on; but did they know what education meant? Every thing was education; every one, in reference to the young mind, was more or less, an educator. Sit as neutral and as idle as they pleased, the child was still educating, in one way or other, and at every instant before their eyes. But, of what kind was this edu-

cation? Let them go into the alleys, fetid with the disease and vice of our luxurious capitals,—let them go into the gin-palaces,—into the crowded factories, and there they would find an appalling answer. He who did not entirely and extensively educate would suffer miseducation to go on, when he might prevent it; and, so far, virtually miseducates. He was guilty of the guilt, and author of the misery which every where festered around him. Could the patriot endure—dared the Christian permit that? What more important question, then, to the conscientious man, than what really constitutes a good or bad system of national education? Schools were not good education, nor were books, nor boards, nor inspectors, nor grants, good education; they were but machinery,—the means—that by which good education might be propagated and perpetuated. He cared not so much what the canal was, as what the canal carried. What number of schools were established, but what the schools taught. How was he to know whether it were rank poison, or the bread of life, they were bestowing all this while? Until they were sure of that, they had no right to bestow it at all. The increase of schools, if the schools be bad, was the increase only of evil; instead of being a matter of joy, it was and ought to be, a matter of grief and reproach. The first thing to be done, then was to assure themselves of this goodness,—that done, it became a merit, a duty to extend the schools as widely as possible. But of what use to extend them, unless it was also provided that they should last? The better and more numerous they were, the more important. These three points embraced in his mind, all the conditions of a good system of national education. It was here that machinery became useful. They looked for means to obtain with facility and certainty, the point which, without such means, they should attain with difficulty or not at all. What, then, were those means? Was national education to be left to the Government or to itself? Was there to be system or no system? Which of the two principles, the directive or voluntary was the best? This question might be argued for ever, by taking the extremes; but it was the very mode of arguing it he would avoid. He would not give education altogether into the hands of the Government, much less would he leave it altogether to itself.

There was a middle term, where neither the people nor Government monopolized or usurped, but where both might usefully combine. And why should they not combine? Did they not do so everyday? What was police, what public works, charitable institutions, but a series of similar combinations? Was all this a solecism, an evil, a public wrong? Why not leave also these great national objects, as well as education, to find their level? Why not leave them to the ordinary laws of demand and supply? But the fact was, there was no analogy between the case of education and other markets. Our moral wants were not regulated like our physical. The less food the more we hunger for it; the less education, the less appetite for education we feel. Nor was it quite true either, in the material world that supply always followed demand; it very often created, and should in many cases precede it. Canals had as often produced commerce, as commerce produced canals. The whole of the argument had arisen from too precipitate a generalization of Adam Smith's views of bounties and prohibitions. Facts too were against it. Were he called on to point out the precise spots where public education in every respect was the most flourishing, assuredly he should direct them to those very countries where the directive system was most, and the voluntary least, in vogue? But the chief difficulty remained—how to regulate this combination. What share was Government to have, and what the people, in contributions, powers, and duties? He answered that question by another. On what principle did they combine! They united for mutual assistance. The Government could do some things better than the people, the people, again, many other things better than the Government. Let each do, what it could do best. The Government could impel, enlighten, and control; the people could aid and maintain. Let the duties and powers, then, of each be regulated by this simple principle: let the Government provide and extend a good system of education to all the people, (it was the Government of all,) and let all the people, in return, support and perpetuate such a system when provided. Such a system had never yet existed in Ireland. She had never had a national education composed of such elements. Her education had not been for all; it had not been

under the direction of the Government; it had not been maintained by the sympathies of the people. It had been a mere machine for the maintenance of Protestantism and oligarchy—fetters to bind the mind, as there were statutes to bind the arms of the country. Yet once in Ireland there were great and good foundations for a noble structure. He should not insist on their early literary glories, though he might well summon a whole line of English writers to bear testimony to the early solicitude of the nation for instruction. Bede, in the seventh century, noticed the number of Saxons, who came over, in crowds, to Ireland, and who, as William of Malmesbury observed, were not only most willingly received, but maintained at the public charge, supplied with books, and taught without office or reward. Spenser admits that Ireland had the use of letters long before England. "To Ireland," according to Littleton, "England chiefly owed her knowledge." Many Saxons out of England resorted thither for instruction, and brought back the use of letters to their ignorant countrymen. "Ireland," says Bayle "has given the most distinguished professors to the most famous Universities in Europe." He might have added, in many cases, they had been the founders. "It was," he continues, as the historians of the time declare, the most civilized country in Europe; the nursery of the sciences, &c., &c." Were these eulogies unsupported by fact? The monasteries of Lindisfarne,—the great college of Mayo,—"the Mayo" as it was called "of the Saxons," dedicated to the exclusive use of English students, who at one time amounted to no fewer than 2,000, but which, on its rebuilding in 1830, by the English, was prohibited from receiving Irishmen—Borrishole, surrounded with forty literary institutions,—were all so many illustrative evidences of the intellectual activity and literary munificence of the nation. What, then, had become of those institutions? What! Ask those who expelled the teachers, burnt the books, ruined the buildings—ask those who civilized Ireland, they would give you the answer. But England and Protestantism gave, it was said, large and wide compensations—the parochial and diocesan schools. Both were due to Catholicity and Ireland. The right hon. Baronet who made such assertions, some nights ago, seemed not to have known, or to have

forgotten that this very system had existed from the thirteenth century, and still existed in almost every Catholic country in Europe. The council of Lyons, in 1245, decreed "that in all cathedral churches and others provided with adequate revenues, there should be established a school and teacher by the bishop and chapter, who should teach the clerks and other poor scholars gratis, in grammar, and that for this purpose should be assigned to him a prebend." This injunction was further extended by one of the General Councils of Lateran, and finally confirmed in its 23rd Session by the Council of Trent. This was the origin of popular education throughout Europe. There were strong traces of it in England, and still stronger in Scotland. The parochial schools date from an ancient Act of the Scotch Parliament, a transcript of the old canon law, and not as Dr. Chalmers supposes, from the later law of William, or the gradual innovation of the Reformation. The Reformation adopted them, as it did many other Catholic institutions—they were preserved but not created. The law of 28 Henry 8th, c. 15, indeed, bore internal evidence of this origin;—telling "beades in English," is coupled with literary instruction. By that law, the popular education was not for the first time established, but sanctioned by the new ecclesiastical authority instead of the old. The statute, almost a copy of the canon, directs every Archbishop and Bishop to give a corporal oath to every person on his admission to any dignity, benefice, office, or promotion spiritual; that he shall, to his wit and cunning, endeavour himself to learn, instruct, and teach the English tongue to all and every being under his rule; to be, and keep, or cause to be kept, within the place, territory, or parish, where he shall have pre-eminence, rule, benefice, or promotion, a school to learn English; if any children of his parish came to him to learn the same, taking for the keeping of the said school such convenient stipend as in the said land accustomedly used to be taken. Archbishops and Bishops, omitting to give the said oath are to forfeit 3*l.* 6*s.* 8*d.*, and beneficed clergymen not observing it, to forfeit 6*s.* 8*d.* for the first offence, and 20*s.* for the second, and their benefice for the third. Here, then, was quite as good a basis for a system of parochial education, as that which existed in Scotland:

in both countries it lay in the hands of the clergy. How came it that it produced such very different results? Oaths, fines, laws, were ineffectual in Ireland; the whole scheme failed: in Scotland it took root and flourished. The reason is clear. The system in Scotland was national; in Ireland it was not. The schools were English—the people Irish:—the schools became Protestant—the people remained Catholic. It was not education, but proselytism: it began by attempting to proselytise to England; it now continues to proselytise to Protestantism. The supply was there, but no one came for it; the demand diminishing, the supply soon fell off. There were no scholars, and soon no masters. Parochial schools were dispensed with in many cases—the Statute, itself, despised as "obsolete, impracticable, superstitious;" but the oath was still taken, and the tithe, though subject to such condition, retained. Neither penalty nor forfeiture was enforced:—the Bishops who were the persons to enforce it, were co-partners in the offence. The Bishops achieved, on a larger scale, in the instance of diocesan schools, what each of their beneficed clergy achieved on a smaller. Burdens and duties imposed upon them both by law and religion, they contrived gradually to shift from their own shoulders to those of the laity,—as in the case of charity and church repairs, so also in that of education, the obligation was forgotten, but the funds given for its performance were kept. The laity had thus to pay twice over for the same thing: both payments heavy, and the duty ill-performed after all. Had the Protestant clergy of Ireland been more tenacious of their oaths, and less of their resources, like the Lutheran clergy of Russia and Weimar, or the Presbyterians of Scotland, it would not now have been necessary to call upon Parliament for a 35,000*l.* grant, nor to mourn over the immense cost and injurious results of most of the education systems of Ireland. This, however, was not their object; the object of the Church, and therefore of the State, which was but its servile instrument, was not education, but submission. Not only did they shut up their own schools, but they would allow no other. From William 3rd. down to George 3rd. knowledge was almost as much interdicted to the Papist as liberty. Catholics not only were not permitted to endow schools, but parents

were not permitted to educate their own children. It was penal to give them education abroad; it was penal to give them education at home, unless it came from the Protestant clergy. As in Scotland, so in Ireland, zeal for popular education was ascribed to the Reformation; but in neither case was this correct. Such as it was, it both betrayed the hand, and bore the license stamp of the task-master. But this was but one stain in a statute of blood,—not of blood only, but of cruelty far beyond blood. It found where the soul chiefly lay, got at it, and attempted to crush it there. If the son became a Protestant, he could gavel his father's estate. Well; the object of these Protestant schools was to make him a Protestant. Now see how all this worked for the social and moral improvement of the nation. Take a father, weak enough to rely on the faith of these institutions for which he paid,—sending his son to one of these schools, the old inheritance of the nation—fearful of the laws, but still more fearful of ignorance—and awaiting with impatience his return. The child of his old age—loving and beloved at parting, came back with another creed and another heart—corrupted by the very law itself, the guardian of domestic duty and public morality—despising his father, envying his brother—grasping in thought already the bribe which the State, the Church—a Christian Church—held up to his avidity. These things seldom occurred,—but only, because they were seldom risked. The parent, who after one example of the kind, could send his child to such a school, instituted to teach rebellion to parents, hatred to brothers, was no parent; he deserved the retribution of despised grey-hairs, and unsupported old age brought down in sorrow to the grave. Now, if he took the alternative, and educated abroad, was the grievance less intolerable? Picture to yourselves his son outstripping all competitors in some foreign University; returning home crowned with every literary honour; and met, on his first landing on his native shores, not with the congratulations of his country, but with the brand and punishment of a criminal. Yet with all this, Protestantism did not increase, Catholics did not diminish—the only effect the system had was to destroy or pervert education. If it gave any, it was mis-education: to the Protestant, the education of an arrogant master; to the Catho-

lic—of an indigent slave. This “national education,” as it was preposterously called, this “national religion,” not more national than the education, which was its handmaid, was to civilize each, and it barbarized both. Empty cathedrals and ruinous schools were its monuments; a coterie instead of a church, and a corporation assuming the name of a country, were its administrators. In the reign of Anne and of the Georges, the evil was somewhat seen; but was it remedied? Far from it; on the rulers of the country went, in the same blindness, flinging the blame on the people, which should only be visited on themselves—attempting to remedy what was irremediable, and to perform what was impracticable. The 8th Geo. 1st. empowered Bishops and Dignitaries to grant two acres, if a Bishop, and, if others, one, of glebe-land, for Protestant schools. The 5th Geo. 2nd. c. 4, gave similar power to tenants in fee-tail or for life, to grant to churchwardens for ever, one acre of 30s. yearly value, “for the use of a resident schoolmaster, to teach the English tongue to such children of poor Papists and all others as would resort to the same.” But did the Catholics resort to these schools, or were there others to take their place? He begged the attention of the House to the application for the Charter-schools, which followed soon after. It declared, in very express terms, “that in the provinces of Leinster, Munster, and Connaught, the Papists far exceeded the Protestants, of all denominations, in numbers;” that there were great tracts of land entirely inhabited by Papists; that they were kept by their clergy in great ignorance of true religion; and that the creating of Protestant English schools in those places was absolutely necessary for their conversion; that the English parish schools already established were not sufficient for the purpose, nor did the residence of the Protestant clergy fully answer that end. “That it was necessary, therefore, that some other place of education might be found,” &c. &c. But why did it not answer its end?—and, not answering, why did not the State resume the emoluments, with its functions, into its own hands? Instead of altering the system, the State deigned not even to inquire into it—it attempted to remedy old blunders by adding new. The English parish schools were declared insufficient; the clergy, instead of being compelled to make them

sufficient, were allowed to throw themselves on the State. The laity were to be taxed for the defalcation of the Church—the Parliament had to pay masters for duties which the clergy had sworn to perform. This was a monstrous pretension;—monstrous as it was, it was acceded to. The Charter-school system was established—the first instance of the interference of the State. Instead, however, of taking the funds and duties at once into its own hands, it abdicated its power,—it instituted new societies, as auxiliaries to the Church, from the taxes of the people, supported with buttresses which it ought to have taken down—and still called the system “national.” The Charter-school system was ultra-fanatic—it was formed for the purpose; it out-churched the Church; it was determined to educate outright into Protestantism, and carry the nation by a *coup de main*. No longer waiting for the slow coming-in of the refractory, it tore the child from its mother’s lap, changed the name, broke the links of its existence, and, creating orphanship in the life-time even of the parent, made it an alien in its home, poisoned the charities in their very source, and shook society to its very centre. If, amongst the rich, this cruel charity for “the souls of the poor benighted creatures,” as a Pharisee of the day called them, created rebellious sons, amongst the poor it did worse—it deprived parents altogether of their children. Yet, for a long time this system was said to flourish; miracles were recounted of its grace and efficacy; Popery was supposed to be at its last gasp, and the great object fully effected;—yet years went on, and the Catholics were, still, millions. The Charter-schools contented themselves with the wages, and gave up the labour of the vineyards: they lost all energy, and preserved only the bigotry of their formation: unheeded and unwatched, they soon fell into a lethargy. In a short time there were no scholars but victims or renegades; no masters but profligates and sinecurists. To inquire was to accuse; the slightest complaint was an impeachment of Protestantism. Why should he detain the House with dwelling on their atrocities, on the cruelty of the teachers, the ignorance and immorality of the scholars; on the horrors of the schools of Sligo, Lisburne, and hundreds of others. 1,500,000*l.* was lavished on an infamous bubble: the cost of each child was nearly 20*l.* per

annum, and of each apprentice 30*l.*, yet pupils, it was complained, were not to be had, and no one would take their apprentices. In any other country but Ireland it could not be believed that the voice of a Howard, crying aloud against such a social monster, should cry in vain. Yet he, and others like him, were not heard by the adder’s ears of a corrupt Church and a venal Parliament. It was not till 1825 that the full light of day, broad and blazing, was let in on its atrocities. In that year Parliament instituted proceedings against its administrators, and solemnly declared “the evil was so monstrous it could not be corrected.” The Parliament was a Tory, a Protestant, a Church-ridden, and Church-protecting Parliament; yet this education still continued to be called “national.” The Charter system failed, and new “national” societies were called in, or rose up, to supply its place. The Association for the Suppression of Vice first appeared; it adopted a new *tactique*—the *suavité* in *modo* for the first time was added to the *fortité* in *re*. They could not take Popery by assault; circumvallation and mining were substituted; yet all was still Protestant; Protestant books, Protestant catechisms, Protestant preachers, and Protestant patrons. This was another specimen of “nationalising” instruction for a nation of Catholics. A host of similar joint-stock companies, for the curing of Catholic souls, rather than the instruction of Catholic minds—the Baptist, Hibernian, and others succeeded, terminating, at last, in the Kildare Place Society. It was not to be expected he should abuse the patience of the House with details of these, or other similarly formed, societies. Suffice it to say, the old system, though mitigated, still prevailed throughout. Always working in a corporation spirit, jobbing on the public necessities, fulfilling, very inadequately, their own ostentatious promises of success, they were totally inadequate to supply the enormous deficiencies of former systems. The Church had transferred its powers and duties to these educating clubs; it was now found necessary to transfer them anew from these educators to the Government. In 1819, the Lord-Lieutenant was empowered to advance money for building of schools under certain conditions, to voluntary subscribers. The form of proceeding was, in some particulars, objectionable.

Application was to be made, by memorial, to the Lord-Lieutenant. The memorial was to be referred to Commissioners, who, on obtaining answers to queries as to the quantity of land proposed to be given for the school, the number of pupils, the cost of building, made grants to perpetual trustees (the Protestant minister and churchwarden of the parish), for the purpose. Here again was proselytism, with great difficulty of fulfilling the conditions, far too heavy and complicated, conjoined. The results, as might have been anticipated, were trifling. In this state lay education, when the Kildare Place Society arose. Its first manifesto indicated a wonderful softening of the old Protestantism spirit. It was at length openly avowed, that proselytism was a vain attempt. The Report set out with stating, that they had applied their efforts to the framing of "a system which, whilst it should afford the opportunities of education to every description of the lower classes of the people, might, at the same time, by keeping clear of all interference with the particular religious tenets of any, induce the whole to receive its benefits as one undivided body under one and the same system, and in the same establishment." Nothing could be better. Had such manifesto been adhered to, the Catholics, who at first crowded their schools, would have continued to crowd them still. How much a contrary conduct was pursued, it is surely unnecessary, after so many and such prolonged discussions, to remind this House. But, were the leaven of the old sectarian spirit perfectly expelled, he should still question whether the constitution of the body was not radically defective. It was a society unconnected with the Government, and collaterally only under its control. It was a great mistake not to have at once thrown aside all these companies, and formed, without further delay, a board,—national in the fullest sense of the word, linked with the executive on one side, and with the people on the other; but private interest, or mistaken prudence, prevailed. The Commissioners of 1812 (Twelfth Education Report) suggested another course. It was thought right, in order to try the experiment just noticed, to make a Parliamentary grant to an institution already in existence, rather than appoint a new Board for the purpose, as if innovation, and not the adaptation of the machinery

to the purposes intended, was the point in question. The grant was made on this suggestion, and no sooner made, than principles conceded in the programme, and hitherto kept in the back ground, began to develop themselves. The Bible was required to be read without note or comment. The Catholics interpret the sacred writings on authority—the Protestants on private judgment. Here, then, was put to issue the cardinal demarcating tenet between the two great denominations. The usual evils of societies now followed. Patrons interfered—private feelings, sectarian hatreds, political animosities, sprung up. Compromises were, indeed, attempted by the Catholic clergy, but they failed. New violations of the primary rules constantly took place. Like all other preceding societies, it at last became, though under a mitigated form, proselytising. The New Reformation, then in its march, added fresh virulence to the quarrel,—the people, alarmed, drew off,—the Society was, comparatively left to itself,—education, as of old, became confined to a party,—the ancient evil was revived,—the public money was given to a section of the State,—and the great mass of the nation still continued without a "national education." Yet, all this time it must not be supposed that education had made no progress: much was done by the very obstacles which opposed it,—much by the times,—much by the Society itself. The mechanical portion of education was advanced—schools were built—books published—teachers, as it was called, "trained." More important than all, men began to think of education,—abuses were hinted at,—inquiry calmly, but surely, went on. The Commission on Irish education conferred an invaluable benefit on the country—it cleared away the rubbish of the old structures, and shewed how a new structure might be raised. The Committee of 1824, still more precise, determined a plan,—the Catholic hierarchy almost unanimously seconded it; their joint recommendations were repeated in the Report of the Committee of this House in 1830, of which his right hon. Friend, the Chancellor of the Exchequer, was chairman. Yet all these inquiries, all these recommendations, all these solicitations, were neutralized, eluded, and opposed by the mole-eyed, anti-national policy of the then Government. The old machinery, rickety as it was, was

continued; it was urged that this Protestant education ought to be accepted by a Catholic population; as if in any question of a delicate and difficult nature it was sufficient to say "ought." You might offer to sell, but you could not force others to buy. A system must be acceptable, to induce people to accept. The failure of the Kildare Place Society proceeded from a total ignorance of the state of Ireland, and of the laws of mind. It really refused, whilst it affected to give; it deferred education to a period which was likely never to occur,—till the nation became Protestant. Such a system was not national,—for such a system the nation had no right to pay. But it was sufficient to destroy; we had a more difficult task imposed on us—to build up. The failure of the Kildare Place Society, however, not only decided what should be done, but also how to do it. They had to take things as they really were, to educate not for some visionary contingent state of the country, but for the living actual man. They had to get rid of joint-purse converting societies, private patronage, and oligarchical pretensions, and reinstate the nation in its original rights: to make education popular, it must be an education for the people. Hitherto there had been no national education; but there was no good reason why there should not be. He for one, could never see any circumstance which should forbid the experiment. He had scarcely been honoured with a seat in this House when he made efforts to put his conviction into practice; not only to act up to the recommendations of 1824 and 1830, but to go far beyond them. He drew up a series of queries in February 1831, relative to a most extensive plan of education,—an education in every sense "national," and addressed them to the Catholic Prelates, and to several of the most distinguished members of the Protestant and Presbyterian communions. The answers received were, with few exceptions, perfectly consonant to his views. He brought in the Bill to which he had already referred, embodying a portion of those views, in September; and as he had stated, Mr. Stanley,—originally opposed to the arrangement,—addressed, in the October following, instructions enforcing many of its provisions to the Duke of Leinster; and with a spirit which, considering the difficulties he had to contend with even in

his own department, did him high honour, established at once the existing Board. The experiment had been, as he had already observed, satisfactory; but the defects existing at its formation existed still; above all, it still retained its temporary character, it was still no more than an experiment. The object of his Bill was to remove the defects, to extend the powers, and finally to render the operations sure, and the duration permanent. But he went beyond this,—he began with elementary,—but he extended his views to a reform of every other class of, education—from elementary to superior. This might appear an ambitious attempt far beyond the powers of any single individual, much less of so humble a one as himself. Perhaps so; but there was no harm in tracing a broad and consistent plan. Harmony was a matter of great importance, and when once a just principle was established, the working it out into its details was comparatively a matter of little difficulty. He proposed, in the first instance, to recognise the directive principle, to establish a Board of National Education in Dublin. The construction of this Board should be as impartial as possible. It should be composed, therefore, of various persuasions, professions, and interests. The Protestant and Catholic Archbishops, and a clergyman of the Presbyterian body, should constitute the clerical—five other Members, one from each of the four provinces of Ireland, and one from Dublin, the lay portion of the body. This had nearly been effected in the organization of the existing Board. It required only the addition of a Member from Ulster to complete the lay Members. If it were right that the minister should have a council, it was not less right that the Council should have a responsible Minister for its head. The Chief Secretary for Ireland, for the time being, ought to be its President, and thus *ex officio* the Minister of Public Instruction for Ireland. He would give the appointment of the Members to the Lord-Lieutenant. He had considered maturely that question; and there was less difficulty in vesting it in his hands than leaving it to election of the people, or to election of the Board itself. Ireland, divided as it is, would send in partisans to a body, which, of all other bodies in Ireland, would require calmness and impartiality. Entering the Board itself, it would ultimately convert the Board into a close cor-

poration. He saw no just ground for apprehension of an increase of Government Patronage. This was not the day of prerogative. In a free country the Government was really the servant of the country. If the representative body were truly such, and there was placed under its control all the great departments of the State, their power might be increased at pleasure, for it only increased the efficiency of the organs and instruments of the people. He feared not, therefore, to give this body all powers necessary for the ends for which it is instituted,—requiring from them duties conducive to these ends, and subjecting them to the strictest inspection and control of Parliament. The end of these institutions was, to improve, extend, and permanently secure education.—One of these objects, without the other two, would not be sufficient. Extend instruction as he had already said, without improving it, and you extend an evil; if good, and not extended, its benefits were trifling; if extended, and liable to change or interruption, it cheated the public with a mere illusion. To effect these purposes the Board should be empowered to purchase land, to build school-houses, houses for teachers, and all buildings necessary thereto; to annex land for play-ground, gardens for teachers, and agricultural instruction for scholars, to outfit with all articles necessary for teaching, books, collections, &c. &c. All these expenses should fall exclusively on the Board. By the present system, no school can be founded, or aid granted by the Board, unless on the specific condition of the parish furnishing, for the first outlay, one-third, at least, of the expense. He was aware, that in Prussia, the system was carried further, and the parish furnished the entire; a duty, performed on the contrary, by the Church in Weimar; but this precedent ought not to weigh against the positive inconvenience. Many parishes were too poor to furnish a large present outlay in money; and what happened? They either remained without a school, or the money was advanced by some rich individual, who repaid himself in patronage (and patronage of the most injurious kind too), for what he had momentarily lent to the parish. He wished to rescue the people from wearing the livery of any man; and to convince them, that whatever they had, it was thoroughly and for ever their own.

The objections against such arrangement, on the ground of the expense entailed on the State, were futile. The expense ceased with the purchase of the land, and building, and outfit of the school, and must, therefore, diminish every year; and, finally, very nearly terminate altogether. A large proportion of schools were already established; purchases of schools might be made in some districts at a slight expense; the Board providing the land obviated all chances of litigation, so incidental to the actual trustee system; it prevented the selection of bad sites, so common at present; building the school ensured a cheap and a good model, and fitting it out, that the parish would always begin with a proper type of what a school ought to be, before them. It must also be remembered, that the Board would be exempted from payment of teachers—another great reduction, not only of expenses, but of business; it was necessary to keep open an account, on the present system, very frequently, with the teachers of schools under the jurisdiction of the Board. These provisions would enable the Board to extend education as generally as it might be desired, and would give ample assurance for its continuance when so extended. A more important consideration was the giving a high and useful character to education. This object embraced two considerations—the providing a good code of education, a judicious regulation for the management and instruction of the schools, and proper instruments by which those regulations might be put in practice. He proposed that the Board should draw up such regulations, within a specific period, to be submitted to Parliament and published generally throughout the country. He would give them power, also, under certain restrictions, of modifying and altering the regulations as might be found requisite. It would be out of the range of an Act of Parliament to embrace one-twentieth part of such regulations, nor did such appear to him to be its legitimate province. The French code of 1834 had gone too far, perhaps, in that particular; but the French code, full and detailed as it is, had already acquired a great number of supplementary *ordonnances* and circulars from the Government. He conceived that in constituting this, like every other department, it would be sufficient to give ample powers, and leave their exercise subject to the control of

Parliament. Hence, both in this Bill, as well as in the former, he omitted all regulations in respect to religion. He was in consequence accused, by no very judicious or impartial inquirers into the matter, with a total indifference to the subject. Had they taken pains to read the preamble even of the Bill, they would have found that, in that very part which was supposed most sacredly and strongly to embody its principle, he had solemnly consecrated the principle, that all education should repose on religion—an institution without that might lead to knowledge, but it could not lead to virtue. The tree of good or evil should not be separated from the tree of life. He was sensible, also, that in a country like ours, circumstances and localities must guide in a matter so very delicate. Prussia had, with punctilious attention, considered the religious feelings of even the smallest sect amongst her subjects; so also had France. There were Protestant schools and Catholic schools, and mixed schools; schools, in fine, for every class of feeling, as well as of individuals. The instruments for communicating education, were teachers and books. These were the especial province, the highest province, of an enlightened body like the Board. To think of diffusing instruction without instructors, was beginning, like the philosophers of Laputa, from the roof. You might build schools, but you would not give education. The usual mode of selecting at present is by examination. But Scotland was a proof how little that could be relied on. Cramming, a glib tongue, and bold nerves might introduce, as they had done, blockheads into the seat of modest and timid Learning. As to certificates, they were as proverbial for falsehood as any other species of puffing. A previous course, well digested, well pursued, would guard against that. A dunce could not play the clever man for four years, though he might for four hours, without discovery. Teachers' schools, education schools, not training schools, (for that sounds technical and mechanical; the manual exercise of instruction) should be established, directed, and maintained by the Board. It was apprehended that this might produce too great a uniformity, and degenerate into a monopoly. That would be a serious evil. He had as earnest a desire as any man to preserve entire the perfect freedom of education. Its action should in no wise

be hampered either by bounty or prohibition. A leviathan, all-absorbing education company would only be a manufacturer of slaves and fools. He would guard, therefore, against a *perniciis barathrumque* as much as he could. Cases might arise where teachers' schools might be conducted by individuals, or courses, for the same purpose annexed to Universities. Either would undoubtedly promote the great general purposes of education—each should be encouraged. One of these cases had come within his own personal knowledge. A gentleman, distinguished not merely for his high literary and scientific attainments, but still more for his long experience and true views on education, (Dr. Bryce, of Belfast) had long desired to establish in the institution on which he conferred such honour, by being its head, a regular course, based on what alone it should repose, the science of mind. He (Mr. Wyse) applied to the Government for a grant of 2,000*l.* for the purpose, repayable by tickets, to such teachers as Government might think proper to select for the course. The course was most ample, in point of time and studies, and would soon have raised up a body of teachers in the country superior to those who owe so much to Professor Pillans and Mr. Wood, in Scotland. His colleagues offered, in the noblest manner, their assistance. There was no doubt of success if the experiment had been tried. Government, after solicitations, I must say, the most zealous, seconded by names the very highest of which the cause of education could boast, refused and continued, to refuse, on the ground that the Board had not and have not the powers for the purpose. He proposed to give them such powers of aid whenever such a case as the one instanced should present itself. He would go further—and admit to the examinations for place of teacher such as had been educated at any such school, or had attended such courses; and would enjoin the publication of their names in a list of approved candidates once a year, that the country at large might be acquainted with their merits, and know whom and how to select. But students for such profession could not be expected unless the profession itself were first raised, he would place it on a par with the other learned professions; and would make it a fourth learned profession, if possible. But that could not be done, unless it were

made respectable. He would give the Board power to promote; to reward with honorary and other distinctions; to ensure retiring pensions; and, in certain cases, to extend them to the families of the teachers. The salaries conferred by the parish guaranteed their independence; the school-fees paid by the children would stimulate their exertions. He would leave the appointment of teachers, where it ought to be, in the hands of the Board. The people might be judges of moral character, they were no judges of competency. All opinions of that kind must be taken second-hand, and then was opened a field to intrigue, despotism, and servility. Books also should be provided for the people, though not forced on them. Prizes should be given by the Board for the production of good books. They were not below the highest intellect in the country. A more noble spectacle could not be conceived than to see the great lights of the age bending down to shew the way to these "little ones," and difficult was the task. It might well put to proof the prowess of the boldest. In that particular England was in arrear, though recent efforts shewed that it was becoming sensible of it. Look to Germany—look to France; their school-libraries abounded with a profusion of excellent works: look even to America; why were they unknown to us—why were they not ours also—why had we not as good, or better? The Board should establish in each school—its school, and teachers, and parochial library. It could be done, he spoke from experience, for the sum of 15*l.* to 20*l.* He would not only extend, thus, the education of the child beyond the threshold of the school, but he would make it an instrument for the education of the parent, and a stimulant to watch over the education of the child. The library should be open to all families whose children were in daily attendance at the school. To enforce the whole of these regulations, the Board should appoint inspectors—a Catholic and a Protestant in each province—and should see that they reported twice a-year; in like manner the Board should report to Parliament. Such were the powers and duties he proposed for the Board. He would next turn to the people. The province of the people would be, to contribute and maintain. When the Board might wish to found a school in any particular parish, he proposed that it should transmit to the

parish, through the clergyman, magistrates, &c., a proposal to build and outfit such school, &c. &c., provided the parish, on its part, should consent to assess itself for the payment of the teacher, the repairs of the buildings, and the daily and incidental charges of the school. The parish on meeting (the Bill would specify minutely the qualifications of the voters, mode of meeting, &c.,) to assent to, or dissent from, the proposal of the Board. If assented to, it was to be levied on such parish by the grand jury collector on the opening of the school; notice was to be transmitted to the Board, and the Board would complete the work. On its completion the parish should elect a school committee, of which the Protestant, Catholic, and Presbyterian clergymen, the senior magistrate and physician, of the parish, were to be permanent members—the rest to be elected from the rate-payers, and removable once a-year. Should the parish wish to establish a school, it would have to address a memorial, either through the clergyman or the magistrate, to the Board, which thereupon, would be required to send down a proposal, on which the parish would proceed as just stated. These powers given to the parishes were intended to produce a general and permanent interest in the school. He did not mean, however, to exclude the power of granting aid, under certain restrictions, in the establishment of schools. He would provide for such cases in every possible way. He meant to require, however, that whenever aid be granted, due security should be given for the payment of the teacher and maintenance of the school. Schools also already established, might under certain conditions, put themselves under the superintendence of the Board. Such was a wide outline of the plan he proposed for elementary education. But education must not stop there. The middle classes were if possible, more, in need of instruction, comparatively than the lower—in some cases they had, in consequence, scarcely the character of a Bible class at all. He would provide them, with their share of moral and intellectual food. The Board should be empowered, in the same manner as it was empowered to provide land, and build and fit out parochial schools for the parishes, to build and fit out academies for the counties provided the counties, like the parishes, consented to assess themselves,

through their grand juries, for the payment of the teachers, and the annual support of the institutions. And pursuing still further this second grade of education, the same Board should have like power to found and fit out provincial colleges, provided, as was now done for our asylums, the counties composing these provinces would, as in the case of the academies, assess themselves for the support of the colleges. Thus, by degrees, thirty-two academies and four provincial colleges might be founded in Ireland. Nor let hon. Members be startled at the expense. There were commencements, at least, for the academies in the diocesan royal schools, and, for the provincial colleges, in the institutions of Cork and Belfast. Special education, which might be placed also in this grade was a matter more of interest to the particular profession, and the individuals who cultivated it, than to the Government and the people at large. He did not propose to adopt the same rule in regard to it that he had in the other; yet conditions of a similar nature might be made with the profession, which here would stand in lieu of the parish and the county—the Board making the outlay, the profession paying for the support. This, in the case of the Civil Engineer Department, would be especially desirable, if he might judge from the examinations lately held before the Board of Public Works. The education of engineers in a peculiar degree, concerned the public, and ought to be, in part at least, an object of public outlay, through the Board. The third grade, superior or University education, required more care. As the Universities were constituted, they could not, without exciting great hostility and resistance, be placed under the jurisdiction of any public Board; but as it was important they should be in relation with it, he saw no reason why, of their own accord, they might not constitute a council to communicate with the Board of education or give power for that purpose to the University Board which now exists. Another more material point was, the nationalising the University, and putting it in harmony with other portions of the national system, which could only be done by enlarging the present University, or founding a new one. The fellowships, for the most part, being Ecclesiastical, could not be thrown open to all persuasions, but an additional number of lay fellowships might

be founded, to which as to the Professorships, Catholic and other Dissenters, as well as Protestants, might be eligible, and the scholarships to which no such objections exist, should be open to all communions alike. If this should not be practicable, why not found a second University? When the present one was first established, the nation did not exceed 1,000,000; it was now 8,000,000. Germany, with 30,000,000 inhabitants, had twenty Universities, the Netherlands have six, Scotland five, Ireland one. Cromwell thought of erecting a second one at Athlone. Was it less necessary now? The last grade of education to which he should advert, was supplementary and subsidiary. By the first, he meant that description of education which supplied the want of early culture, such as adult schools, mechanics' institutes, &c.; by the second, he understood all that contributed to continue or improve education already acquired, such as literary and scientific institutions, learned and other societies, museums, galleries, &c. He would deal with these precisely in the same way as with elementary and parochial education. The Board should make the entire outlay, provided the town or city assessed itself in a certain stipulated sum for their support. This expense to the State would, like that of parochial and other schools, be limited, and constantly diminishing, but it would effectually extend such establishments to every town in the land. He had followed one principle throughout, modifying it only as circumstances required. It was not to be supposed that he hoped to achieve even a small portion of this plan for some time, but he thought it incumbent on him to place the whole at once frankly before the House, that the Legislature might work one part in harmony with the other, and not do to-day what Penelope-like, it might be compelled to undo to-morrow. He should wish to divide his measure, if possible, into four Bills—a Bill for the Establishment of a Board of National Education, and three successive Bills—one for elementary—one for academical and collegiate—and finally, one for subsidiary education. Changes in the University were subjects more for an Address to the Crown. Circumstances, however, compelled him to combine the first Bill with the second. It was to introduce this, he asked leave of the House. Any measure for academical education would

require some previous inquiry, and he had a notice to that effect (the one on diocesan schools), on the Order-book of the House. He had done, thanking the House for the indulgence with which it had listened to what, from the nature of the subject, he felt must have been comparatively tedious. He could scarcely do less, and wished he could do more. The more he had thought on it, the more deeply was he penetrated with the importance of the Question. Every day added to the conviction, that we had reached the point when a thorough and extensive Education Reform could no longer be deferred. If our political Reform was searching, so also should be this; our schools were not a jot less important than our Parliaments. If they had disfranchised and enfranchised in one, without any weak visitings of compunction for this man's prejudice or the other man's plunder, but with a steady eye to "right" only and the "public good," struck boldly onward for prosperity and the country, so also for a similar object should we advance with the same unflinching regard to her commonweal. Other countries were teaching us the lesson—we touched the mind and civilization of other nations on every side. Education Reform would come and conquer like every other. What was the folly of to-day, would be the wisdom of to-morrow. Men who now opposed, would wish to share, as in other Reforms, when the battle was over, and the victory was won; and when he turned to Ireland, had he reason to despair? Was there not some hope that the miserable phantasmagoria of Government with which she had, up to this hour, been deluded—would, at last, end? Up to this hour, with few exceptions, Secretary on Secretary had passed over Ireland, merely gleaning what his predecessor had left undeveloped. What interest could men feel about a country which they only governed, he might say, by parenthesis, and merely to show with what small expenditure of trouble or knowledge Administrations might be kept in motion—and what an easy feat it was to ruin a country, and enrich an individual at the same time. A contemptible *bureaucracy*, an Aide-de-camp coterie had been our Government. No new Governor could come in, but he was obliged to pay more attention to the balancing of parties, than to the government of the country—playing the chess-game of this man's fears against that man's

hopes—managing his seat whilst he should be riding on. The result was natural—no man ever governed through such instruments, but was ultimately obliged to govern for them. Master in name, slave in reality—he had large powers for mischief, none for doing good. If he thought that such were to continue to be our government, he should despair, not of this Bill only, but of any measure which did not serve the pettifogging purpose of the day. An enlightened Minister must govern, as well as rule. Such an Administration must be incapable of either. He was resolved to do his duty; he had a strong faith in a righteous and great cause, and he could not believe that what ought to succeed, would be unsuccessful. In one word, it came to this—men will be educated, whether the Government liked or not. The only point was, how—or for what? That the House could determine; and the sooner, and the more thoroughly it determined, the better for every man, from the highest to the lowest in the country. He asked for leave to bring in a Bill for the Establishment of a Board of National Education, and the advancement of Elementary Education in Ireland.

Mr. William S. O'Brien seconded the Motion, and said the country would feel indebted to the hon. Member for Waterford for being the first to lay before the House a national system of education. Every system of education now prevailing in this country was either formed by chance or owed its origin to the liberality of private individuals. No system was provided by the Government. In this respect England was far behind other countries, and we were obliged to go to foreign nations in order to get information, and to consult their experience on the subject. They had, it was true, a Board of Education in Ireland, but as yet its operation was partial and imperfect. He thought, however, that his hon. Friend ought to be encouraged in his efforts on this subject, and no one he believed would controvert him when he asserted that it was the bounden duty of England to provide a proper system of education for the people of Ireland. He was satisfied that the adoption of his hon. Friend's proposition would lead to the best possible results. His scheme was a noble and comprehensive one, and feeling convinced that it was calculated to raise the moral and social condition of the people, it should have his best support.

Lord *Morpeth* said, that he could not pretend to follow the hon. Member for Waterford through either the official documents or details into which he had entered; neither would he express any opinion as to the efficacy of the Board which it was the intention of his measure to establish. It was not, however, his desire to throw any impediments in the way of the introduction of this Bill, although he regarded the hon. Gentleman's undertaking as rather an ambitious one; but in sanctioning the Motion to bring in the Bill, he did so in the hope that some useful suggestions might be found to be contained in it.

Mr. *Shaw* said, that although he did not approve of the present system of Irish national education, and perhaps might not give his assent to the scheme of the hon. Member for Waterford, he still would offer no opposition to the present Motion. His opinion of the present system of the Board of Education in Ireland was, that it had neutralized rather than promoted the object which it was designed to accomplish. In all such cases, however, the great difficulty was to hit upon any plan of national education which would be satisfactory alike to all parties.

The *Chancellor of the Exchequer* thought it unadvisable to enter upon the discussion of the measure until it was fairly before the House, for how was it possible for them to judge either of its principles or details? It was not, of course, his intention to offer any resistance to the hon. Member for Waterford's Motion; but with respect to what had fallen from his right hon. Friend (he hoped he would allow him to call him so) opposite, he must say that it was not a little singular that he should now disapprove of that which had received the approbation of his friends. The late Government proposed to do justice to the views of those by whom the present Board of Education in Ireland had been established; for not only had they expressed their intention of adopting the plan, but of extending it.

Mr. *Sheil* said, that whatever colour the Irish Conservatives (of all Conservatives the most unqualified) might endeavour to give to the adoption by Sir Robert Peel's Government of the Education Commission, the facts were too stubborn, and too little capable of denial, to admit of the exercise of any evasive ingenuity on the part of those who now endeavoured

to explain what they did not attempt during the late administration to advert to. The Irish Tories remained dumb when Sir Henry Hardinge announced that in the system of education introduced by the Whig Government, their Conservative successors would persevere—they sat in accommodating silence; office had struck them dumb, they exhibited a complaisant taciturnity, which, compared with their boisterous lamentations on the mutilation of the word of God, to which they had previously given loose, afforded proof of the facility with which their flexible consciences adapted themselves to the convenience of their political patrons. Justice, however, ought to be done the Irish Orangemen out of the House. The *Evening Mail* (while the Irish *protégés* of the Peel Government remained significantly silent) inveighed against the betrayal of the Protestant cause. Sir Henry Hardinge was denounced, and for the acquiescence of the Parliamentary champions of the Scriptures an ample compensation was made by the indignation of those over whom the Treasury had not exercised its tranquillizing sway. But he desired to avoid all criminatory retrospects. It was now clear that the Education Commission was to remain undisturbed.—Ireland, after a long struggle, had achieved the overthrow of the proselytising system—the people had overcome every obstacle; and as they had triumphed in that instance, so in every other, in which they were sustained by justice, they were sure to succeed. But although much had been done, much remained to be performed. The mere Education of the lower classes, and their instruction in reading and arithmetic, were not the only objects which a wise Government ought to propose to themselves. They should take a larger view of the mind of Ireland, and adopt means to bring her intellectual resources out. At this moment there was no National University in Ireland, because, from the fellowships and professorships of Trinity College, Roman Catholics, the majority of the Irish people, were excluded. No matter how eminent might be the faculties, or how vast the attainments of a Roman Catholic student in Trinity College, his religion was an insurmountable obstacle to his advancement. He had on several occasions referred to this gross injustice, and he was told that Trin-

ity College was an appurtenance to the Church, and that the impediment thrown in the way of Roman Catholics was necessary, however it was to be regretted. If this opinion should be adopted by the House, the consequence which he should deduce from it was, that another University ought to be founded in Ireland. In this view he was supported by the spirit of the Act of 1793. By that Act Roman Catholics were excluded from the fellowships of Trinity College; but it was provided, that they should be admissible to the fellowships and professorships of any college to be hereafter founded. Let Trinity College be thrown open; or, if you persist in closing it—if you make a sectarian in place of converting it into a national establishment—if it is to be Protestant, and not Irish, then establish another college, where fair play shall be given to the intellect of the country, and where genius and industry shall have a clear stage, and in the wrestlings of mental competition there shall be no sectarian favour. It might be said, the Catholics have a college at Maynooth. How much did they award to Maynooth. Having undertaken the education of the Catholic clergy, what did they allot to that education? They ought either to pay nothing, or to pay well. What, then, was the utmost extent of Parliamentary munificence to Maynooth. What was the amount allotted in the estimates to the Education of the most powerful and influential corporate body, the Catholic priests, in the empire? The miserable pittance of 8,000*l.* a-year. It was well known that when Mr. Canning was at Maynooth he expressed disgust, not at what he saw, but at the despicable penury, the bigoted avarice, which granted so contemptible a sum for the most important of all the objects, connected with education, which a statesman can contemplate. People often talked of paying the Catholic clergy upon the largest, most munificent, most enlightened scale. Extend the period of Education at Maynooth—give to the professors large salaries, by which genius and talents will be allured, and make that college, or some analogous national establishment, the source from which improvement may be diffused through the country. At present, it is wonderful how much the Catholic clergy, with their narrow and contracted means of acquiring knowledge, have done.—Many of

them would be ornaments of literature in any country; but it was not to the opportunities afforded by Government that their proficiency was to be attributed. Their own genius and exertions had overcome every obstacle. He would not only remove obstacles, but he would open a wide field for the exercise of great abilities. In the Irish clergy the best materials were to be found. All that they required was, the abatement of those obstructions which now stood in the way of their intellectual progress. He was convinced that the establishment of a great national seminary, or even the enlargement and more liberal endowment of Maynooth, would lead to the happiest results, and would be the means of developing the intellect of Ireland. He often heard Englishmen speak of locating a sacerdotal stipendiary, a paid priest, in every Catholic parish; place, he would say, in every Catholic parish a Roman Catholic clergyman, supplied, not, indeed, with a wretched stipend which might make him a servile politician, but with a perfect education, which was sure to make him a useful citizen; you will thus make him contributory to the improvement of the active population within the reach of his influence, and, great as the services are which are now rendered by the Roman Catholic priesthood (the best the purest, the most zealous clerical body in the Christian world), you will enhance their value, and give to the good in which they are now instrumental a most noble consummation.

Lord *Sandon* did not think, in the absence of all information which could warrant such a conclusion, that any one had a right to say that the late experiment on the subject of Irish education had been successful.

Mr. *Feargus O'Connor* could assure the noble Lord that, as far as it had been tried, the experiment had been most successful, though the Protestant gentry of Ireland had done all in their power to defeat the success of the plan.

Sir *Robert Bateson* denied, in the most positive terms, either that the experiment had succeeded, or that the Protestant gentry were unfriendly to the cause of education. The present national system of education in Ireland was much opposed to the feelings and the opinions of the Presbyterians of the north that upon no account would they suffer their children

to enter any of the schools. It never, therefore, could receive the sanction of the Presbyterians, for they, one and all, regarded it as a system established only for the exclusive education of the Roman Catholics.

Leave given to bring in the Bill.

THE SLAVE TRADE.] Mr. *Fowell Buxton*, with the permission of the House, would postpone the Motion of which he had given notice respecting the treatment of the Aborigines in the British settlements, and proceed with that on the subject of the Slave Trade. The resolution which he formerly proposed, was objected to on account of its length; but he thought that his present Motion would obtain the assent of every hon. Gentleman present, inasmuch as it was not only short, but contained all that could be desired. He had on the former occasion gone at some length into the facts of the case, and as the matter must be fresh in the recollection of every hon. Gentleman present, he had little more to do now than call the attention of the House to the enormous extent to which this trade was carried on at the present moment. In fact the Slave Trade was as active now as ever it had been, though treaties for putting an end to this inhuman traffic had been formed with foreign nations. Spain and Portugal, in particular, had weighty pecuniary considerations for adhering to the solemn engagements which they had entered into with us; but, instead of keeping faith, as they were bound to have done, those Powers, he was sorry to say, had grossly violated their treaties by allowing the Slave Trade to be carried on under their respective flags. No one could conceive the horrors of this dreadful traffic, and, if it were necessary, he could go into details of the most striking and painful nature. It was not, however, expedient that he should do so, and, therefore, all he should now say was, that the address which he was about to propose was couched in temperate language, perhaps more temperate than he should have used if negotiations were not going on which he had no wish, by any harshness of expression, to impede or interrupt. He must say, however, that if this trade were not speedily put an end to by peaceful means he hoped the Government would feel it their duty to repress it by force. The hon. Gentleman moved—

“That an humble address be presented to his Majesty, to inform his Majesty that this House has learned with deep regret, from the documents which have been laid before it, that the traffic in slaves still continues to be carried on, under the protection of the flags of foreign nations, particularly under those of Spain and Portugal, to an extent almost as great as at any former period of its existence, and attended with circumstances of additional cruelty and horror.

“That this House particularly calls the attention of his Majesty to the conduct hitherto pursued by the governments of Spain and Portugal, who are bound not only by the most solemn treaties, but by the payment of large sums of money, and the remission of debts due to this country, totally to abolish this nefarious traffic.

“That this House, with a view to put an end to this iniquitous and detestable trade, humbly beseeches his Majesty to enter into negotiations with his allies, for the purpose of revising all the treaties having for their object the suppression of this traffic, in order to reduce the terms and stipulations contained therein into one solemn league between all the high contracting parties, and to introduce it into such general treaty.

“First, An extension of the limit to the right of search to the whole of the western and eastern coasts of Africa and the Island of Madagascar, and to such distance from these coasts as shall ensure the capture of all slaves; and an agreement, that this right of search shall be reciprocal between all the high contracting parties.

“Secondly, That the right of seizure shall be extended to vessels equipped for the purposes of trading in slaves, although not actually having slaves on board.

“Thirdly, An agreement that all such vessels as may be condemned by the mixed Commission Courts shall forthwith be broken up, or otherwise effectually destroyed; and,

“Fourthly, A stipulation that the trade in slaves shall be declared piracy.”

Mr. *Hume* seconded the Motion, and said that he concurred in every part of the resolution except that which stipulated for the destruction of the ships engaged in the Slave Trade, which might be captured. As these vessels could be used for other purposes, he did not see the advantage of destroying them; but with respect to all the other parts of the resolution he wished to see them carried into full effect.

The *Chancellor of the Exchequer* said, that the resolution had the entire sanction of his Majesty's present Government, but as some misapprehension seemed to prevail on the subject he wished to assure the House that no effort or pains had been

spared, either by the present Government or any former administration, to put an end to this trade, and thereby carry into full effect the intentions of Parliament. The second paragraph of the resolution alluded to the "conduct hitherto pursued by the Governments of Spain and Portugal, who are bound, not only by the most solemn treaties, but by the payment of large sums of money and the remission of debts due to this country, totally to abolish this nefarious traffic;" and he wished to guard himself from the inferences to be drawn from such a statement, that the present governments of Spain and Portugal had not manifested a disposition to act on different principles from those adopted by their predecessors in reference to this subject. The fact was, that they had, and that treaties were now in the act of negotiation with both powers which, he hoped, would terminate to the satisfaction of all parties. He disapproved of the proposition for breaking up the vessels, but he had no objection whatever that it should become the law of nations that all persons taken in the act of carrying on this trade should be deemed guilty of piracy.

Mr. O'Connell said, that it was all very well for hon. Gentlemen filling official situations to speak with mildness of the conduct of Spain and Portugal, but for his part, unconnected as he was with office, he thought no language that could be used, in reference to the course pursued by those powers with respect to this trade, too strong. They had been guilty, to say the least of it, of a gross violation of national faith in lending their flags for such a purpose; and he, therefore, thought it was the duty of that House not only to speak distinctly, but to call upon the Government of this country to insist upon having the stipulations of these treaties fulfilled. He hoped that the treaties now pending would be carried into effect; but, at all events, he trusted that the example which this country set would have the effect of ultimately putting an end to this horrible traffic.

Mr. Robinson said, that it was not enough to tell them that Spain and Portugal had evinced a disposition to put an end to this trade. Both those powers, but more particularly Portugal, were bound to do so; and he, therefore, hoped the governments of those countries would be speedily induced to look into a subject

which it was a disgrace to any civilized nation to tolerate.

Mr. *Fowell Buxton* wished to explain to his hon. Friend, the Member for Middlesex, and the House, why it was he wished to have all slave vessels captured destroyed. The fact was, that, being fitted up in a peculiar manner, they were unfit for any other employment, and, therefore, if they were not broken up, the chances were, that they would be again applied to their original purpose.

Mr. *Pryme* said, that he could not see any advantage that would be gained by breaking up those vessels, since they must become useless if the trade was abolished.

The Motion was agreed to.

SPIRIT LICENSES.] Mr. *Divett*, after presenting Petitions from the Licensed Victuallers of Exeter, Stockport, South Shields, and various other Places, praying for the Repeal of the Additional Duty on Spirit Licenses, observed, that he intended to move, that the Act by which that additional duty was imposed, and which he was sure the House would never have passed if they could have anticipated the extensive injury and oppression it had led to, should be taken into consideration in a Committee of the whole House. It would be in the recollection of the House, that under the 6th George 4th, cap. 81, a scale of duty was imposed on spirit-houses, commencing with houses rated under 10*l.*, and ending with houses rated at 50*l.*, all houses rated above that sum paying no increased duty. During the last Session, the then Chancellor of the Exchequer stated, that an additional duty might be imposed on retail spirit-dealers with advantage to the revenue; and he succeeded in persuading the House, that he should be able to raise the amount of duty to the extent of 167,000*l.* He believed that the noble Lord was mistaken in his calculations. He believed that the increased tax would be found to have the effect of diminishing the revenue, and of encouraging in a very great degree, the practice of smuggling. He was aware that it had been the feeling on the part of former Governments, that the licensed victuallers were a class of people from whom any amount of taxation might be exacted; but in his opinion, they were entitled to as much protection as other traders. Certain it was, however, that no class had been subject to similar taxation. He was aware

that he should be met by his right hon. Friend (the Chancellor of the Exchequer) with a statement, that the amount of taxation which would be taken off by the success of his Motion, would be more than the Exchequer could bear. It so happened that a very large number of occupants of houses rented under 10*l.* a-year, a number not less than 38,500 in round numbers, paid for a spirit license at the rate of two guineas each, and he was sure that the continuance of the duty would throw the trade into the hands, either of the great spirit-shops, or a class of persons who would act in defiance of the law. He would read an extract from a letter which he had received a short time since from a constituent of his own who was formerly in the Excise, perfectly conversant with the circumstances connected with the trade, and on whose statement he could place the most perfect reliance, a gentleman who had given very valuable evidence before the Committee of which his hon. Friend, the Member for Dundee, was the Chairman. The hon. Member then read the extract referred to, the substance of which was, that a public-house, called the Butchers' Arms, rented at 20*l.* a-year, formerly paid six guineas for a spirit-license, but under the present system it was raised, on a change of occupation, to fifteen guineas, while the large houses could never be taxed at a ratio exceeding fifty per cent. He acquitted his noble Friend, the late Chancellor of the Exchequer, of any intention to oppress the trade by this alteration in the system, but he contended it had that effect. The duty fell heaviest on that class of houses where a license was taken out, not for the sake of selling a great amount of spirits, but for the purpose of occasionally accommodating a customer, by letting him have a glass of gin or rum-and-water. As to the loss to be sustained by the Exchequer, he fully believed that if they recurred to the old state of the law on this head, looking at it as a mere question of revenue, the loss would be little or nothing. The hon. Member concluded by moving, "That the House should resolve itself into a Committee of the whole House, to consider the operation of 4th and 5th William 4th, cap. 75, which increased the amount of the duty on spirit-licenses fifty per cent, and of the Statute 6th George 4th, cap. 31."

Lord Sandon seconded the Motion. He

principally objected to the present system, on account of the gross inequality with which the tax operated. He was not opposed abstractedly to a tax upon spirits. As a luxury they might fairly be taxed, provided the tax did not press unequally, and the mode of collecting it were fair and impartial. He expressed a hope, that the right hon. Gentleman (the Chancellor of the Exchequer, would be induced to remove this grievance. As the hon. Member for Exeter had gone sufficiently into the details of the Question, it would be less necessary for him to enter upon it at length, and he should therefore content himself with seconding the Motion of the hon. Member.

The *Chancellor of the Exchequer* said, that it would be in the recollection of the House, that the right hon. Baronet who preceded him in the office he had the honour to hold, had estimated the probable surplus of the year to be 250,000*l.*, and the next point to which he wished to direct their attention was, that if the proposition of his hon. Friend was adopted, no less than 150,000*l.*, arising from the increased duty on spirit-licenses, would be lost to the revenue. Now, to that proposition, he for one was not prepared to accede. At a fit and proper time, he should be ready to examine the question of the propriety of equalizing the duty on spirit-licenses, but the present was not a suitable opportunity. The subject was, in fact, at the present moment, under the consideration of the Excise, and if he was sufficiently informed on the subject, he should not hesitate to enter upon it at once; but in the meantime he hoped the House would agree with him in thinking, that there was nothing so ill-advised as to make an incomplete statement. He should endeavour to give his best attention to it, for a more difficult question, small as it was, could hardly be found. He begged therefore his hon. Friend would not press his Motion, but while he did so, and while he was prepared to state, that a scheme for equalizing the duty on spirit-licenses was under the consideration of the Government, he should be very sorry that it should go abroad, that it was the intention of Ministers, that anything more than the inequality should be removed. The Exchequer could not afford to part with 150,000*l.* collected from this source. By the way, he must remark, that in one respect his hon. Friend was in error, when

he said that the calculation of the noble Lord (Althorp) when he laid on this tax had not been verified by the result. In no one instance did he remember, in any case a closer approach to realizing a calculation. He had stated the amount of the increased duty to be 150,000*l.*, but the real amount for the first year was 163,000*l.*, and the noble Lord in submitting the tax to the House had estimated the probable revenue from it at 167,000*l.* The tax therefore had yielded only 4,000*l.* less than his noble Friend's calculations. The great difficulty was to provide a substitute for that tax, and the great obstacle in the way of those who wished to commute taxation was, that they were pledged to the repeal of the tax, which they had once announced their intention to take off; but if, unfortunately, any new tax pressed heavily on any class, the next year they were asked to repeal that also. As to the Butchers' Arms, on a change of occupant the increased duty fell, not on the tenant, but the landlord. He had no more to say, but he trusted that the House would give him an opportunity of bringing forward the question under more advantageous circumstances than the present moment afforded.

Mr. *Hume* said, that as the right hon. Gentleman seemed to wish to equalize the duty, he thought it would not be fair to press the Motion on the present occasion. He really thought, however, that the Bill for the increase of the duty was brought in under false pretences: the tax was not so much put on to increase the revenue, as to serve, as was supposed, the cause of morality by making spirits not so easily accessible.

Mr. *Pryme* suggested the propriety of introducing a sort of scale by which a license duty might be imposed in proportion to the quantity of spirits sold or consumed by the publican. He would have the house which had sold a certain quantity during the year, to pay a certain duty. He trusted that, whatever was the plan of the Chancellor of the Exchequer, it would take away the inequality that existed. He was not contented with a diminution of the duty on spirits, because he conceived that if it could be done away with consistently with the prevention of smuggling, it would be difficult to say what duty should be laid on in its stead.

Mr. *Charles Barclay* was extremely glad that the Chancellor of the Exchequer

had taken up the subject, and he trusted that the right hon. Gentleman would afford relief to a most deserving class of persons. There was no class of persons taxed so heavily, in proportion to the trade they carried on, as those whose cause he was advocating; nineteen out of twenty public houses were let on long leases, and therefore all taxes affecting these houses fell on the occupiers.

Sir *George Strickland* was gratified at hearing the declaration of the Chancellor of the Exchequer, and he hoped that his Majesty's Ministers would come to the determination of getting rid of the present mode of levying this tax, as great excitement prevailed on the subject. The only satisfactory way of setting the question at rest was by charging for the licence in proportion to the quantity of spirits consumed.

Mr. *Robinson* contended that it was not only the duty of the House to see that not more than was absolutely necessary was taken from the pockets of the people, but also that the taxes fell equally and fairly on all classes. The present duty was unequal and unfair, and therefore ought to be got rid of. The Chancellor of the Exchequer met that by saying, that he could not afford to give up any portion of the revenue. He was a perfect adept in the art of all his former predecessors in deprecating any interference on the part of this House with the peculiar duties of his office; but the right hon. Gentleman must excuse him, for observing, that if there was any one duty which they owed to their electors more than another, it was to take care that not only the taxes were not greater in amount than absolutely necessary; but that in their operation they were as equally distributed as possible. The whole of the fiscal system was founded upon a most vicious principle, viz.: not as to who are best able to pay the taxes, but in what way the Government can get the money with the greatest possible facility. But as the right hon. Gentleman had almost pledged himself, he hoped that the Member for Exeter would consent to withdraw his Motion, on the understanding that the right hon. Gentleman in some part of the Session would introduce a measure upon the subject. On the part of his constituents, he, for one, would not offer any objection, but rest perfectly satisfied with that arrangement.

Mr. *Carruthers* was prepared to have

voted for the motion, but after the declaration of the Chancellor of the Exchequer he did not feel called upon to do so. As a matter of justice, the present system of charging for licences, which was an innovation, should be got rid of.

Mr. *Mark Phillips* supported the principle of the Motion, and trusted that relief would be afforded. At the same time as the subject was to be taken into consideration by his Majesty's Government, he would not go into the question which he was prepared to do, and to prove that the tax was most partial and most unjust.

Colonel *Sibthorp* was by no means satisfied with the declaration of the Chancellor of the Exchequer, as it appeared to him to be nothing more than the shadow of a promise. The present mode of charging the licence-duty was deeply injurious to the poorer classes of licensed victuallers, as well as to the innkeepers. He could not help feeling that the mode in which matters were then discussed in the House was very objectionable. They had been sitting for three months, and yet they had not done one single act to afford the least satisfaction to the country. Certainly the proceeding of reinstating their friends in office was anything but satisfactory to the country, notwithstanding any opinion Gentlemen opposite might entertain on the subject.

Mr. *Hodges* wished also to bear his testimony to the general feeling that prevailed as to the unfairness of the present system.

Mr. *Kelly* had not understood the right hon. Gentleman to promise to repeal the present duty on Spirit Licences either wholly or in part; he therefore hoped the hon. Member for Exeter would persevere in his Motion. This tax in some respects differed from any other. The question was not, whether they would repeal a tax which had existed for a long series of years, and which could not be got rid of without danger to the whole system of taxation; but whether they would repeal a tax which had recently been put on, and which ought never to have been imposed. This tax was not only partial in its operation, but it pressed on a class of persons already overburdened with taxation.

Mr. *Divett* would, with permission of the House, withdraw his Motion, trusting to the known desire of his right hon. Friend to afford every practicable relief.

Motion withdrawn.

LAW COURTS IN SCOTLAND.] Mr. *Wallace* moved for leave to bring in four Bills to improve the present practice in certain Law Courts in Scotland: the first, that of the Courts of Session, Teinds, and Justiciary; also to regulate and define the duties of the Judges, and of the clerks and their officers, and to abolish the fee-fund and other dues of those courts. Second: To regulate the forms, shorten the delays, and diminish the expense of the above Courts, and in appeals to the House of Lords. Third: To explain, regulate, and improve the practice and jurisdiction of the Sheriff and Burgh Courts. And the fourth was: To amend the Small Debt Act, and enforce the holding of Small Debt Circuit Courts by Sheriffs; also to extend the provisions of that Act to the amount of 10*l.*, and to abolish the arrestment of workmen's wages, and imprisonment for debt for sums under 10*l.* He did not feel himself called upon to enter into explanations relative to those Bills, but should reserve what he had to say for another occasion. He need hardly observe, that the Sheriffs' Court in Scotland was one of the most efficient for the administration of justice that existed in any country, and regretted that England had not the advantage of such Courts. He trusted, however, that in a very short time such a Bill as had been introduced in the House of Lords two years ago by the then Lord Chancellor, for the establishment of Local Courts, would soon receive the sanction of the Legislature. The Sheriffs' Small Debt Circuit Courts had also been found to be most beneficial—indeed the number of causes tried in those Courts was a sufficient proof of their excellence. He denied that, in bringing forward these measures, he had the slightest desire to interfere with the duties of the Lord Advocate.

Sir *William Rae* was fully aware that any hon. Gentleman possessed the undoubted right to introduce any measures for the improvement of the constitution of the Courts of Justice in Scotland; at the same time he begged the House to recollect, before they sanctioned any measure of the kind, that within the last few years a Commission had been appointed to inquire into the subject, and the Commissioners had made a Report thereon. He had brought in a Bill embracing the important points, and it had been referred to a Committee up stairs. He thought the hon. Gentleman therefore

had much better have laid his details before that Committee, when they might have been introduced into the Bill already before the House. Under the existing circumstances, to introduce new bills appeared to him a very inconvenient course.

The *Lord Advocate* thought the House would be disposed to allow his hon. Friend who had collected a vast deal of important information on this subject, to bring in his Bills. It did not appear to him that it would be any impediment for his hon. Friend to bring in Bills more extensive in their nature than the measure before contemplated, and the result might be, that great advantage would accrue. Believing that his hon. Friend did not mean his Bills to be an obstacle to any other proposition that might arise from the suggestions of the Select Committee, he should support the Motion.

Mr. *Sinclair* considered the Motion of the hon. Gentleman unnecessary and premature. It was unnecessary, because the subject was already in the hands of the officers of the Crown; and it was premature, because no final Report had been made by the Committee.

Mr. *Cutlar Fergusson* saw no objection to the introduction of these Bills. He did not agree with his hon. Friend as to all the great changes he would effect, but believed that many most valuable hints might be obtained from the information he had received; and it was better that it should be embodied in the shape of a Bill than that it should be laid before the Committee in a desultory manner. He saw no more convenient mode of putting the House in possession of the information than the one now proposed.

Leave given to bring the Bills in.

DIVISIONS OF THE HOUSE.] Mr. *Ward* rose to call the attention of the House to the Report of the Select Committee on Divisions. He said the House was no doubt aware of the nature of the recommendations of the Committee. In the first place, the Committee repeated the opinion of a previous Committee, viz., that it was not in its power at present to recommend any system which appeared free from all objection. The Committee, or he as Chairman of the Committee received almost innumerable suggestions on the subject: the number of the correspondents was indeed ample proof of the interest

taken in it by men of all parties and degrees. The Committee having considered the various suggestions, unanimously agreed, that of all the plans, the safest, simplest, and most intelligible was the "lobby" system. They proposed that upon the space now occupied behind the Speaker's chair a lobby should be erected; and that this having been done, on the House being cleared for a division, the Ayes should pass into the lobby at one end, and the Noes into the lobby at the other, when the doors should be closed.—The Clerks were then to proceed to take down the names, which being completed, the doors were to be simultaneously opened, and the names would be carried to the Table of the House, and there alphabetically arranged. The Committee did not feel itself justified in recommending the plan without having first ascertained what would be the expense of carrying it into effect; they had therefore examined Sir Robert Smirke, from whom they ascertained that a lobby might be built capable of accommodating 500 Members, with two staircases to communicate with the galleries, at an expense of 1,500*l.* A lobby without the staircases might be erected for only 1,200*l.*; and the Library Committee having reported that such was the dearth of accommodation that it would be necessary for the convenience of Members to expend 600*l.* in the erection of additional rooms, as the lobby proposed might be made available for general use, the additional expense which they must incur to enable them to carry the plan recommended of taking the divisions into effect would not exceed 600*l.* Unless this lobby were built, the whole plan of taking the divisions must be deferred till the completion of the new Houses, which would probably occasion a postponement of the experiment for three years. The matter having been twice referred to a Select Committee, and twice reported upon, for them to defer the experiment for the time he had stated, would, he thought, greatly disappoint the expectations of the public. It was proposed that the divisions should not be on all occasions taken in the manner suggested, but that a discretion should be reserved to the House. The Committee recommended that the divisions should be taken according to their plan on all great occasions, but that the ordinary course should be pursued with respect to divisions on ques-

tions of minor importance or interest.—The whole subject had been so frequently before the House, that he did not consider it necessary to go into any lengthened arguments on the present occasion. When it was considered how little would be the expense, and of what great importance was the object they had in view, he trusted that they would not consent to render the labours of this Committee quite nugatory.

The *Chancellor of the Exchequer* said, he entirely concurred as to the general principle laid down by his hon. Friend. He was quite satisfied, whatever objections might be raised against this particular proposition, that with respect to the general principle, the constituency out of doors, and not the constituency only, but the whole body of the public, had a full and perfect right to be informed of all the proceedings of this House. It was true that the vote of a Member without explanation accompanying it might, in a good many instances, be misconstrued, but while he admitted this, he must say that it was not by rejecting a proposition for making their votes known that the explanations would be rendered less necessary. Generally speaking, the vote would sufficiently explain itself. He was quite sure, as regarded the operation of such a principle, that a Government or a House of Commons willing to do right had nothing to fear from a knowledge of its proceedings being possessed by the constituency. He therefore assented to his hon. Friend's general principle, and the only difficulty he felt was as to its practical application. If it had not been for the misfortune which had placed them in this temporary building, he, for one, should have been ready to acquiesce in the proposition of his hon. Friend; but he felt that there might be some inconvenience from entertaining any question of building now. They had already appointed a Building Committee to act in conjunction with a similar Committee of the other House. Of that Committee he had only within these few days become a member, therefore he was not prepared to say, nor indeed would it be right of him to anticipate the Report—how far the proposed scheme might or might not interfere with some views which the Committee entertained. Under these circumstances, he would suggest to his hon. Friend whether the better course would

not be to refer this report to the Committee appointed to consider the propriety of rebuilding both Houses of Parliament. If this suggestion were adopted, he should propose to add to the Committee the name of his hon. Friend, that he might have the best opportunity of explaining and recommending his own plan. To the present motion there was a technical objection to which he must call attention. There could be no question but that it involved a money grant, and it was proposed without any previous estimate having been laid before the House.

Mr. *Warburton* said, that such an expression of opinion as they had just heard, coming as it did from a Chancellor of the Exchequer, and declaring in favour of an important principle, as well as announcing a wish for its application, would be considered of great value. But although the right hon. Gentleman had expressed his approval of the principle, he seemed to be satisfied to allow its execution to be deferred for a period of three years, as the new building could not in all probability be erected in a shorter space of time. The right hon. Gentleman should bear in mind, too, that an experiment similar to that proposed by the hon. Member for St. Alban's had been tried during the last Session; and although he (Mr. Warburton) was the proposer of that plan, he did not hesitate to say, that the trial of the method of taking divisions which he had suggested did not prove altogether unsuccessful, inasmuch as it had only been made twice, and upon the second occasion a half minute only on his calculation had been lost. He was perfectly willing, however, to adopt the opinion of the Committee which had sat upon this subject, that the best course to pursue would be to have a lobby made in the manner explained by the hon. Member for St. Alban's; a mode of taking divisions which ought in his opinion to be tried as speedily as possible in the present House, with a view of ascertaining whether it was one which it might be expedient to adopt in the House which it was proposed to erect. The right hon. Gentleman appeared to entertain some apprehension that the adoption of such a resolution as that proposed might interfere with the proceedings of the Building Committee. He could state that all his fears on that head were perfectly groundless; for the resolution of the Committee on divisions had been communicated to the Building Committee;

and the result was, that the latter Committee expressed its acquiescence in the proposal for having two lobbies erected at different sides of the present House, with the intention, he supposed (for they did not say so), of adopting the same plan, if approved of, in the new Houses, the mode of erecting which they had been appointed to determine. With respect to the time which this alteration would require, Sir R. Smirke had stated, that he could erect such a room as that intended in the short space of a fortnight; and the expense of doing so would only amount to the sum of 600*l.*, which, as it was less than 1*l.* each for the whole of the Members of the House, could not, he was convinced, be objected to on any principle of rational or just economy. It had been said that the lobby would interfere with the new buildings. Now, as the present Houses of Parliament must remain until the new ones were finished, and as the intended lobby would be contiguous to the House of Commons, he did not see how the alteration could possibly place any obstacle in the way of proceeding with the new buildings. In conclusion, he should only repeat that the principle of this mode of taking divisions being approved of by the two committees, and not objected to by the right hon. Gentleman opposite, he felt persuaded that it was expedient to have it carried into execution as quickly as possible.

The *Chancellor of the Exchequer* said, that there was a course which might, he thought, be properly taken under the circumstances in which the House was placed, and which, he thought, would meet their wish, as well as the views of the hon. Member for Bridport. He took it for granted (though it might not be perfectly regular to do so) that the Committee on Divisions had affirmed the principle contended for by the hon. Member opposite, and that the Building Committee had coincided in the expediency of carrying that principle into practice. The only question, therefore, now appeared to be, at what period it was proper that the intended plan should be adopted. He recommended that they should suspend all further proceedings on this subject until the next meeting of the Building Committee; and that, in the meantime, a communication should be made to Sir R. Smirke, directing that he should have a plan ready to submit to the Committee,

with a statement of the cost of erecting a lobby in contiguity to the present House. [Mr. Warburton: Sir R. Smirke has already given his evidence relative to this alteration.]—Yes; but not a formal estimate, and his object in proposing the course which he had suggested was, that the experiment should not be carried into effect sooner than was consistent with the due regularity of their proceedings; and he could not think that the delay of a week, which the compliance with his recommendation would [cause, was one of unjustifiable duration.

Mr. Ward: After the unqualified approbation which my right hon. Friend has expressed of the principle of the proposed plan, I can have no hesitation in adopting his suggestion.

Mr. Hume was of opinion that it was perfectly competent for the Government to decide upon this matter without the interference of the Building Committee. He was persuaded that the right hon. Gentleman must see that the lobby would not at all interfere with the new buildings, and the proposed experiment thereon should, in his opinion, at once be made.

Mr. Aglionby remarked, that the Building Committee had been appointed, not with reference to the temporary House, but for the purpose of superintending the erection of the permanent Houses of Parliament. He could not, therefore, see that any object could be accomplished by referring this Question, which affected the present House, to the consideration of the Building Committee.

Mr. Ridley Colborne was of opinion that it was but justice to the Government to allow it a week to determine upon this alteration.

The Motion was withdrawn.

CIVIL BILL COURTS — (IRELAND).]

Mr. Lynch rose to move for leave to bring in a Bill to extend the Jurisdiction, and regulate the proceedings of the Civil Bill Courts in Ireland. He would not trespass at any length on the patience of the House, as he did not anticipate any opposition to the introduction of the Bill; and as the alterations which he meant to introduce consisted chiefly of details, such details would be better understood by hon. Members upon the Second Reading of the Bill, when it was printed, than by any explanation of his without a copy of the Bill in their hands. It was universally admit-

ted that the Assistant-Barristers' Courts in Ireland were found to be highly advantageous, and most beneficial to the country. By them the poor man was not only made secure of cheap and expeditious law, but what was of still greater consequence, and that which was the end of all law, he was insured cheap and expeditious justice. Those Courts were altogether free from the objections urged against the proposed Local Courts' Bill in this country, for the Assistant Barristers were not resident in the districts over which they presided; they were not in the way of forming local predilections or partialities. By being resident in Dublin, and practising in the Courts, they had an opportunity of keeping up their knowledge of law, of becoming acquainted with the late decisions, and the alterations made from time to time in the law, and of conversing and communicating with their fellow Judges. These Courts worked so well, he thought the jurisdiction might be usefully and wisely extended. At present there was no jurisdiction in actions of covenant, except for payment of money. At present the jurisdiction extended to all actions of debt, on bond, bill, or specially to demands of 20*l.* Irish currency, and in all actions of assumpsit, *quantum meruit*, trover, debt for rent upon leases, and contracts in writing to demands of 10*l.*, and in actions for trespass, and in the case, to damages to the amount of 5*l.* He would extend the jurisdiction in all cases to the amount of 20*l.*, and he would give a jurisdiction in covenant; of course, he would exclude actions of libel, slander, and crim. con. There was at present a jurisdiction in ejectment cases, against tenants overholding or absconding, but no jurisdiction in cases of ejectments brought on an adverse title. He would give such a jurisdiction in cases where the annual value of the land did not exceed 20*l.* At present there was no appeal from the decision of the Barrister in cases of ejectments where the decision was against the landlord. He was inclined to give that appeal in mercy to the tenant, as he had understood that the Assistant Barristers frequently decided against the landlord for want of such appeal, and thereby the tenant was put to great additional expense and inconvenience. This jurisdiction in cases of ejectment, was most beneficial for the landlord. He hoped it would be always wisely and leniently called into action by them.

He was sorry to say, that the Legislature did not show the same anxiety in giving protection to the tenant, for though there was a jurisdiction given to the Assistant-Barristers in replevin cases, that jurisdiction was tedious and complicated, whereas in the cases of ejectment it was prompt, decisive, and simple. It was his intention to give as simple, and plain, and intelligible jurisdiction in cases of replevin and to extend the jurisdiction in such cases. In his opinion he thought a useful jurisdiction might be given by interfering by way of injunction in cases of waste, and this jurisdiction he would allow the Barristers to exercise when out of the county or district, an immediate opportunity being afforded of applying to dissolve the injunction to the Barrister, either within the district or in Dublin. He would give to the Assistant-Barristers jurisdiction in cases of legacies or shares of intestates' effects. To the poor legatee or next of kin there was, he might say, an entire denial of justice, for his only remedy at present was in instituting proceedings in a Court of Equity; and this jurisdiction ought, in his opinion, to be extended to legacies or shares of intestates' effects, to the amount of 50*l.* It was not his intention to introduce any system of pleading, nor was it his intention to create any new office. He hoped this jurisdiction might be usefully extended by the Assistant-Barrister himself, and the Clerk of the Peace. He was not friendly to the jurisdiction of granting of probates and letters of administration, and he could not get over the difficulty of there being no safe deposit for wills and testamentary papers. He would much prefer a general Bill being introduced for Ireland respecting the jurisdiction of the Ecclesiastical Courts, somewhat similar to that introduced by the late Attorney-General for England and Wales. He would, however, have clauses prepared, giving the jurisdiction to the Assistant-Barristers; and, if hon. Members thought proper, they might be inserted in the Bill in Committee. In all cases where it would be necessary that money should be lodged, it should be lodged in the next branch of the Bank of Ireland, or provincial Bank, in the name of the Assistant Barrister, to the credit of the matter. As the duties of the Assistant-Barristers would be increased by this extension of jurisdiction, he thought that their salaries should also be increased;

and he thought it would be much wiser if all fees were abolished. It was not sufficient that the administration of justice should be pure and incorrupt, but it should also be free from all suspicion. When fees were paid, it was difficult to make the poor people understand that justice was not sold, and sold by the Judge. The Assistant-Barrister, he believed, received from Government 500*l.* a-year fixed salary, independent of the fees received by them. He would abolish the fees, and raise the amount of the additional salaries, by means of a small tax, payable upon the issuing of the summons to appear. He need not say, that it would always be desirable, but more particularly when the jurisdiction should be increased, to procure the attendance upon those Courts, of respectable practitioners. The solicitors at present practising in them were miserably paid; severe penalties were imposed on them for taking larger fees than those mentioned in the schedules to the acts; and what must be most disagreeable to their feelings, they were compelled to take an oath on the opening of each session, not to take further fees. He would abolish that oath. He would take away those penalties. He would retain the schedules, so that the solicitors could not recover more than the fees therein mentioned; but, at the same time, they ought not to be deprived of receiving more from their clients if they should think proper so to do. This, however, he admitted, was a most difficult question to deal with, and ought to be cautiously approached. In his opinion those Barristers might hold the sessions oftener in the year than they do, with great benefit to the public. In conclusion, the hon. Member said, this was not a party question, and he called upon Members upon both sides of the House, to assist him in his undertaking. He owed, perhaps, an apology to the House for introducing the measure, but when he gave notice, there was no law officer for Ireland in the House of Commons.

Mr. Shaw agreed with the hon. and learned Gentleman, that the administration of justice ought to be expeditious and simple, but if they went too far, they might instead of extending the jurisdiction of these courts, destroy their beneficial effects altogether. At present the Assistant-Barrister could practise in the courts above; if his salary and his duties were

increased, the one might render him independent and the other incapable of practice, and possibly such a change might not be without its advantages. The system, however, had up to the present time worked so well, that he should hesitate to make any change, unless upon very good grounds. He begged, at the same time, to assure the hon. and learned Gentleman opposite, that he should be very happy to render him any assistance in preparing a measure to improve the administration of justice in those particulars, and he sincerely rejoiced to see a motion of that sort brought forward free from the bias of any party feeling.

The *Chancellor of the Exchequer* felt much gratified at the tone and manner in which the proposition had been received, and he hoped that they all would continue to pursue as a common object the realization of the greatest possible amount of good for the country. He wished just to observe, that the alteration of fees payable to attorneys practising in those courts was a subject which ought not to be lightly dealt with, fearing as he did, that it might open the door to an indefinite amount of reduction.

Mr. *Sheil* had no difficulty in saying that the House and the country must acknowledge themselves indebted to his hon. and learned Friend, for his present exertions to improve the Civil Bill Courts. It was his opinion—nor was he singular in thinking so—that those Courts should have jurisdiction in all matters of equity. Surely the poor man should not be refused justice in cases where he was unable to defray the expense of going to the Court of Chancery or the Court of Exchequer. Ought a man for the sake of a small mortgage, or a 5*l.* legacy, to be compelled to incur the expense of filing a bill in equity? It was anomalous and absurd. He need scarcely observe, that the Administration Act did not require the deposit of wills, though he agreed that it might be well to have them in every case lodged in the Diocesan Court. He had recently attended the Quarter Sessions at Thurles, where some striking instances came under his observation of the severity of the law in cases of contracts, where the fairest possible claims were defeated in consequence of the contracts not having been duly drawn upon the proper stamps. The Assistant-Barrister then presiding requested him to mention in Parliament his view of

the evils resulting from the neglect of the law on that point. If they could get over that and one or two other difficulties, the more the jurisdiction of those courts was extended, the more would the peace of the country be promoted, for in Ireland the greatest evils arose from the delay of justice. He was an advocate for having the Sessions sit every month, or even every fortnight; for the more frequently they sat, the more would public tranquillity be promoted. He had sometimes heard it said, that though justice was slow, it was always sure, but he would have it swift as well as sure.

Leave was given to bring in the Bill.

CHANNEL ISLANDS. — TRADE IN CORN.] Mr. Poulett Thomson rose, to move for the appointment of a Committee to inquire into the present state of the Trade in Corn, between the Channel Islands and the United Kingdom. The object of his Motion was to inquire into the nature of the Trade in Corn, between this Country and the Channel Islands, as much with the view of ascertaining how far the complaint made last year, of a quantity of corn having been surreptitiously introduced into this country from the Channel Islands, were founded in fact, as for the purpose of general legislation on the subject. On those complaints being originally made, the Commissioners of Customs sent over persons to institute an inquiry, and a report was made by them, which showed that the average exportation of Corn from thence in a period of five years was little more than 2,000 qrs. The right hon. Gentleman who preceded him in office, had given notice of a Bill for regulating the exportation of Corn from these Islands, as well as the introduction of Foreign Corn into them; but circumstances had intervened, which caused its postponement. It was natural for the inhabitants of these Islands, when they saw attacked a privilege which they possessed by Charter, and which was confirmed by Act of Parliament—the exemption from duty on Foreign Corn—to call for an inquiry into the facts connected with the case, before any legislation should take place on it; and he considered that it was but strict justice to them, to accede to their wishes in that respect, and institute an investigation into all the circumstances. This inquiry would form the labours of the Committee which he prayed

for. He was the more anxious that the inquiry should be instituted, because he was firmly convinced that it would be the means of dispelling the most unfair and unfounded rumours against the Government and the Islands, which had been so widely and so industriously circulated in connexion with the subject. When it should be discovered that the average export of one Island for a period of five years, was little more than 700 quarters, and of another 500 quarters, he thought that all idea of fraud on the revenue or injury to the agriculturists would be obliterated from the mind of every man who entertained an opinion of his own. It was most desirable that an end should be put to the further existence of any idea of that nature. The right hon. Gentleman concluded by moving for the appointment of the Committee.

Dr. Bowring expressed his satisfaction and entire concurrence, with the principle of the Motion. The result of the labours of the Committee would have a twofold effect: they would first teach an important lesson to those who spoke on such matters without information — a circumstance greatly to be desired in consequence of the mass of misrepresentation which had been made on the subject; and, secondly, it would, he trusted, prove to the full satisfaction of the agricultural community that the Corn Laws were the cause of all their distress.

Mr. Tynte expressed his concurrence in the Motion, and his gratitude to the right hon. Mover. He had no doubt whatever that the result of the labours of the Committee would give general satisfaction.

Mr. Gilbert Heathcote, in reply to the observations of the hon. Member for the Kilmarnock district of Burghs, begged to assure him that the agriculturists of the country were perfectly competent to take care of their own concerns; and that when they wished to consult any one apart from their interest, the hon. Member would be one of the last persons to whom they would apply for advice.

Mr. Pease approved of the Motion, While the Corn Laws existed he thought they should be enforced. He considered that the importation of foreign grain, in quantities however small, seriously injured the home market.

The Motion was agreed to, and the Committee was appointed.

HOUSE OF COMMONS,

Wednesday, May 20, 1835.

MINUTES.] Bills. Read a second time:—Sale of Bread; Manure Toll Exemption; Bankrupt Estate (Scotland).—Read a first time:—Vintualling Houses' Regulation.

Petitions presented. By Mr. GILLON, from Lanark, for the Removal of the late Administration.—By Mr. GILLON, Mr. R. FERGUSON, Dr. BOWRING, the ATTORNEY-GENERAL, Mr. WALTER CAMPBELL, the LORD-ADVOCATE, Mr. R. STEUART, and Mr. A. SPEIRS, from a number of Dissenting Congregations and Places in Scotland,—against any Grant to the Scotch Church.—By the ATTORNEY-GENERAL, Mr. SINCLAIR, Mr. W. CAMPBELL, Mr. A. JOHNSTON, Sir ROBERT PEELE, Major CUMMING BRUCE, Sir GEORGE CLERK, and Sir ANDREW AGNEW, from a Number of Places and Congregations (Scotland),—for such a Grant.—By Mr. R. FERGUSON, from East Lothian, for an Improvement in the Game-Laws.—By Mr. WILBRAHAM, from Prescott, to Support the Established Church in Ireland.—By Mr. J. C. DUNDAS, from York, to Remit the Sentence on the Dorchester Labourers.—By Dr. BOWRING, from Leicester, for the Repeal of the Stamp-Duties.—By Mr. SHAW, Mr. PRAED, Mr. ROBINSON, and Sir ANDREW AGNEW, from several Places,—for the Better Observance of the Sabbath.

CHURCH OF SCOTLAND.] Mr. Gillon rose to present Petitions from thirty-five different bodies in Scotland, against any grant of money out of the public funds for the purpose of extending the endowments of the Church of Scotland. These petitions had, almost all emanated from public meetings; they had been subscribed by above thirteen thousand five hundred individuals, all males, and above twelve years of age. In many instances, none had been allowed to sign who were not known to be above the age of sixteen.—The most ample discussion of the question had been courted, and the greatest pains taken to explain the true meaning of the petitions. In these respects they formed a striking contrast to the secret and hole-and-corner manner in which the petitions had been got up. These had not, in scarcely any instance, emanated from public meetings. The promoters of them were afraid to face the public. The petitions were carried round by the established clergymen and elders, who used every means of entreaty, or otherwise, to act upon weak minds. The signatures of females were received, who were peculiarly liable to be influenced in this way; and many were induced to sign under erroneous impressions, who, when the matter was fairly explained to them, endeavoured to get their names erased; and when this was not permitted, as was generally the case, they adhibited their names to the petitions against endowments, being the only means left in their power of undoing, in part at least, the evil they considered they had done. In proportion as he had

been honoured by the confidence of a great number of his countrymen, from the English border to the Islands of Orkney, who were in conscientious principles opposed to this grant, he had been malignantly assailed by the promoters of this purposed act of injustice. He trusted the House would, therefore, indulge him for a few minutes, while he alluded to certain particulars connected with this subject, which he was bound to bring under their consideration. In formerly presenting a petition on the subject, he had adverted to the circular of the Committee of the General Assembly, from which, in fact, all the petitions for endowments had emanated; for there was no spontaneous movement on the part of the people of Scotland on this subject. The General Assembly's Committee had sent round forms of petitions to the different parishes, to suit their supposed circumstances of destitution of religious information, with instructions to the clergy and elders to use all means in their power to get signatures attached to them; and it must be confessed these functionaries had most zealously followed out these directions. The Committee had also published certain statements of the destitute condition of certain places in regard to the means of religious instruction. He could not speak to the whole of these, but he had selected one instance, namely, Hamilton, one of the burghs he had the honour to represent. In this place the population was stated in the circular of the General Assembly to be 9,513, necessary Church accommodation 4,576, present ditto 800, deficiency 4,200. He had then stated that not only were the whole of the seats in the dissenting places of worship kept out of view, but those also in a Church lately built in connexion with the Establishment. He had since learnt that in this statement he had been led into an error. The additional Church in connexion with the Establishment was not completed at the time the circular of the General Assembly was issued, but it was in process of building; it had since that period been opened, being suited to accommodate 640 persons, and galleries are now either being constructed, or at all events have been contracted for, which will accommodate about 460 more. To this extent he was willing to confess that he had been led into error, but what would the House or the country think of the fairness of the statement of the General

Assembly which, in giving the amount of Church accommodation in Hamilton, kept out of view all that supplied by the Dissenters, amounting to nearly four thousand, and suppressed the fact that another Church was actually then being erected in connection with the Establishment. What an effect a statement such as that of the Committee of the General Assembly was calculated to produce on the minds of the Members of his Majesty's Government, or of this House, not acquainted with the local circumstances! At Hamilton alone, a place containing 9,513 inhabitants, a deficiency of church accommodation is exhibited amounting to no less than 4,200. Any one will immediately see, that this is a state of things which cannot be permitted to continue; and that at any expense to the country, the people, who are thus perishing for want of religious instruction, must be supplied. But when it shall be made apparent that the accommodation provided by the Dissenters has been altogether omitted, amounting to nearly 4,000 seats; and that the fact has been suppressed that a Church was in progress in connexion with the Establishment which now contains 640, and will shortly contain between 400 and 500 more—when this monstrously alleged deficiency of Church accommodation shall, on close inspection appear to be a very considerable surplus above what can possibly be required for the whole population, must not every candid mind agree with the sentiments of his constituents, the inhabitants of Hamilton, who say, they can view such conduct in no other light than that of intentional misrepresentation? But it had been said the General Assembly's Committee were not informed that this new Church, in connection with the establishment was begun. If so, it was their own fault. In making a grave statement to the public on a very important public question they ought to obtain accurate information; and when he saw in the circular of the General Assembly's Committee, that the authority to whom they appealed was one of their own body, one of the Ministers of the Established Church in Hamilton, who could by no possibility have been ignorant of these facts, he could not avoid coming to the conclusion, that if not on the part of the Committee, there was on his, a wilful suppression of what ought in fairness to have been laid before the public. But it was also said the circular of the General Assembly

did not profess to give anything but the accommodation in connexion with the Church itself. It must, therefore, go on the supposition that the whole population of Scotland should be instructed in connexion with the Established Church.—This would involve the erecting of, at least, 800 additional Churches, and an expense to the country of about seven millions sterling. But it seemed that the Churchmen deny that such is their object, they only wished to reclaim the practical heathens, at an annual expense of ten thousand pounds, to be gradually increased; then, why keep out of view the accommodation afforded, and the spiritual instruction administered by the Dissenters? They had involved themselves in a contradiction from which they had no escape. In the statement which he had made on the occasion to which he had alluded, he had referred to the means employed by the promoters of the endowment scheme to obtain signatures to their petitions. These had been of the most objectionable kind. The petitions had been carried about from door to door, and solicitations the most urgent had been used. Misrepresentations as to the object of the petition, the best proof of which was, in many instances, the persons who had signed the petitions, signing afterwards the petition against endowments. The people were told they were merely asking for the application of unexhausted teinds. Some had signed under the coercion of those to whom they owed money—some in ignorance altogether—some from threats of deprivation of Church privileges—and the names of some were put down without their consent being asked at all, and even the inducement of liquor had in some instances not been omitted. He had been challenged to produce instances; being thus called on he would mention Biggar, Earlstown, Thornhill, Dunsay, Airdrie, Lassuade, Lawrence Kirk, Tranent, Carnwarth, and Dalserf, as places where such practices had been employed. He had heard of various others, but would confine himself to those of which he had received information. In the case of Earlstown, there was a separate petition from 26 individuals, stating that they had been imposed on by the interested representations of those by whom their signatures had been obtained, repenting their folly, in being so misled, and praying that the grant may be withheld. These were means

not creditable to any cause; it was with the deepest regret he found, that party or sectarian spirit had so far blinded them as to induce them to employ these means when they professed to be advocating the cause of religion. It was proposed by this plan to endow the Chapels of Ease in connexion with the Church of Scotland. What would this be but relieving those of the wealthier classes, to whom the Churchmen undoubtedly belonged, of the burden for which they had in the most praiseworthy manner become bound, of supporting their own Clergymen, and throwing it upon the community at large? If this principle were adopted in Scotland, they must be prepared to carry it over all the kingdom, and to endow all the proprietary Chapels throughout England. Where was such a system to end? It was manifestly most flagrantly unjust towards Dissenters. Why do not the Churchmen, who are the wealthier classes, imitate the Dissenters in the exertions they make for the dissemination of Gospel truth? They provide both Churches and Ministers for themselves, they find seats for their poorer brethren, not in places set apart and marked as pauper seats, but so scattered among the rest that they do not excite peculiar observation; they provide for the maintenance of their own poor, and for the sending of missionaries both at home and abroad to reclaim the practical heathen; a more practical proof, as it seemed to him, of religious zeal, than getting up begging petitions throughout the country, and striving to extend the domination of a particular sect on the basis of public wrong and individual injustice. In one Dissenting congregation alone, that of Broughton-place, in Edinburgh, consisting of none above the middling, and many in the humbler walks of life, the sum of 1,400*l.* was raised annually, as stated in the petition which he had the honour of presenting for the maintenance of the ordinances of the Gospel, the support of their poor, and the extension of Christianity at home and abroad. The truth was, this was a crusade against Dissent—an attempt to put down Dissenters, from whose ministrations the country had benefitted so much. The omission of the Dissenting places of worship in the enumeration of Church accommodation, was insulting to the Dissenting body, and fraudulent as regarded the public. Instead of cultivating peace

and good will among men, the Churchmen had been lighting anew the flames of religious discord throughout the land, and he could not help thinking, that even as regarded their own interest, it would, to use the words of one of the very sensible petitions emanating from the Dissenting bodies of Edinburgh, “have been more politic in them to remain content with what they have, than by asking for more to provoke indignant resistance to contemplated injustice.”

Sir *William Rae* said, it was clear, from many of the petitions upon this subject, that there existed great misapprehensions as to the nature and the objects of the proposed grant. He always understood the object was to provide accommodation for those classes who were not able themselves to pay the expense of seats in the churches. The accommodation at present was utterly inadequate to the wants of the country. The establishment of the Church of Scotland took place at a time when the population was not one-tenth of what it was at present. Parishes had become more populous, large towns had grown up, in which the population was vastly increased. In Glasgow and Edinburgh the accommodation in the Churches was totally inadequate. At present in the Dissenting places of worship the price of seats was high, this being necessary to provide an adequate stipend for the Clergyman. The poor had not the means of paying for these seats. The object proposed, therefore, was, that Parliament, by some grant, should come in aid of private benevolence, for the purpose of affording to the poor the means of spiritual instruction. That truly excellent man, Dr. Chalmers, and others who contributed money for this purpose out of their own pockets, required only the assistance of Parliament, so that they should not bear the whole expense. Let those who opposed this grant look at the increase of crime in Scotland. It was lamentable to be obliged to make the observation, but depravity was fearfully on the advance there, and the consequences must become truly alarming if adequate means of religious instruction were not provided in due time for the people. The Representatives of Scotland did not oppose considerable grants, proposed for other Ecclesiastical purposes; but they were immediately opposed, though the grant for which they applied was comparatively small. This matter had produced a very

strong sensation in Scotland. There was a great deal of misrepresentation and misconception on the subject, and it became necessary, therefore, that the facts should be inquired into, and the real truth of the case ascertained. He, therefore, now gave notice that he should, on a future day, move for a Select Committee to inquire whether or not additional accommodation was necessary in Scotland, to give the people an opportunity of attending divine worship.

Dr. *Bowring* said, he had felt anxious to ascertain what were the feelings of his constituents upon this subject. Being sent there to represent the inhabitants of a part of Scotland, though not locally connected with it, he endeavoured to ascertain what were their feelings with respect to this grant. The majority of the petitions in favour of it from Scotland were not discussed in the face of day, at open meetings. It was not so with the petitions against it, which, he believed, represented the opinions of the great majority of the people. He was bound to say, that this was the case in the five boroughs which he had the honour of representing. A majority of them were unfavourable to the grant, and their opinions concurred with his own. He did not admit the justice of the principle that the few were to support the Church of the many. What the Dissenters of England, Scotland, and Ireland had done, and were doing, for religion arose from the purest motives, from a sense of Christian obligation and duty; and, having done so much, it was not fair to call upon them to maintain a religion from which they dissented. That would, indeed, be a happy day when every man might worship God in his own way, and give voluntary support to his religious instructors; then would the true millenium of Christianity begin—then would they see the Church, as it was in the early times of Christianity, effecting the moral good of the people through its own holy influences.

Mr. *Robert Stewart* was ready to admit the advantage of keeping up a connexion between the Church and State, but he differed as to the way in which that connexion ought to be maintained. He did not think the Dissenters of England and Scotland, or the Roman Catholics of Ireland, ought to be called upon to maintain an Established Church. He rejoiced to hear from the right hon. Gentleman (Sir W.

Rae) that inquiry would be made into this subject. The result of that inquiry would, he believed, be very different from what the right hon. Baronet anticipated. There were already in the Church of Scotland ample means for any additional endowment that might be thought necessary. Great additional accommodation was now afforded by the Dissenters to the members of the Church. This was the case in Jedburgh, where, out of a population of 5,600, there was but very few, ninety-two (as we understood), who were not provided with accommodation either in the Church or in the place of worship of Dissenters. He might be told the Dissenters in Scotland would not be so numerous if there was room enough in the Churches of the Establishment. The same argument would apply with equal force to the erection of additional Churches in Ireland, even in parishes where there were no Protestants. Many who opposed this grant were Churchmen themselves, and they opposed it because they thought it unfair to call upon others to support their Church.

Major *Cumming Bruce* said, he would not reply to the observations of the hon. Member (Dr. Bowring) with respect to the voluntary principle. Into that question he would not enter at present. He derived much pleasure from the notice of motion given by his right hon. Friend (Sir W. Rae). The only satisfactory way for settling the question at rest was by inquiry before a Committee of that House. He lately received a letter from a person well acquainted with the subject, in which it was stated that in eight of the northern counties, the population of which was 321,925, there were out of the whole no more than 3,530 in communion with Dissenters, and acting upon the voluntary system. The same observation would apply to Nairn; and in Inverness the number of those in communion with the Church was five times as great as those in communion with the Dissenters. Much was said about the injurious and unjust nature of a tax to support an Established Church, from which those who paid the tax dissented. This was a novel doctrine, and it was the more strange when coming from the mouth of persons who did not oppose the principle of an Establishment. That House was in the habit of voting large sums of money for education in Ireland, though vast numbers of the people were opposed to the principle on which the

plan of education proceeded. In the same way large sums were granted to promote the Fine Arts. Seventeen thousand pounds was voted for the British Museum, and he heard no objection made to these grants on the ground that there were many who would never derive the least benefit from them. It might be said, let the members of the Establishment in Scotland support their own Church. They might, perhaps, fairly say, we cannot afford it; and, after all, what was the sum asked? Why, it would not amount to so much as half a farthing each from the whole of the population. A large portion of the charge would fall upon men of property in communion with the Church. The amount of the sum so much objected to was a mere bugbear, not worthy a moment's attention from the House. With respect to the voluntary principle, he was surprised to hear it spoken of as it had been by those who admitted the principle of an Establishment. The principle was right or wrong. Let Parliament decide which it was, and if it should be declared by the competent authority to be wrong, let it be done away with as unjust and unholy. They who refused to carry out the principle stultified their own conclusion. It was the duty of the State, and one of its most important duties, to see that the means of spiritual instruction were afforded to the poor. He claimed on this ground the support of all who were favourable to an Establishment. With respect to the Dissenters, the General Assembly of the Church of Scotland acknowledged the great advantage and the liberality of the assistance afforded by them in the way of accommodation. When the circular of the General Assembly was sent out, there were no churches in Hamilton, and some other places alluded to in the circular. They were built afterwards. How was it possible for the General Assembly, in their circular, to mention facts which were not in existence when it was issued? In consequence of the aid afforded by the Dissenters there were now only one in thirty of the population without accommodation. Otherwise it would have been one in nine. The great majority of the Dissenting Churches were not filled, in consequence of the high rate of payment for seats. The large Churches in Edinburgh, as he had been informed, were generally filled, partly, perhaps, from the attraction of popular preachers; but the great cause

was that the seats were not paid for. It was the duty of Government to encourage the principle of affording to the poor the means of spiritual instruction without expense. He knew one parish that was sixty miles in length, and twenty-four in breadth, and another forty miles in length, and embracing several islands, unapproachable at times; another twenty miles long and twelve broad. In Perthshire there was one forty miles long and twenty broad. How was it possible for the inhabitants of such parishes to attend divine worship unless Churches were built for them? The Church of Scotland made this application to Parliament, not as a poor suppliant for aid, but on the ground that the National Church was a national benefit. The application for this grant was called a Tory trick. He utterly denied that there was anything of party spirit in it.

Mr. *Patrick Stewart* supported the prayer of the Petition for a grant, and observed that, although it had been industriously circulated that about three millions were required for building, and four millions for endowing Churches, the fact was that only a sum of 10,000*l.* was required. The Churches erected in Scotland had been paid for by private subscription, and all that was now asked was some assistance, in order to extend the accommodation in those Churches to the inferior classes. With regard to the petition from Edinburgh, it was eagerly signed, in consequence of the belief that it was a petition against eight millions of direct taxation, and to this he might add that a general petition from Edinburgh in favour of the grant would have been prepared and presented had not the principal parties considered that such a petition must have been signed by many who had affixed their signatures to parochial petitions, and who in consequence, would have petitioned the Legislature twice over. Such a motive in those who had taken an active part in this matter could not but meet with the approbation of the House. Some years ago Scotland was included in a Bill for a grant towards the erection of new churches to the amount of 50,000*l.*, but in consequence of some difficulty in the other House, the Bill was not carried through Parliament. This fact, he submitted, in some degree strengthened the claim now made.

Mr. *Stewart Mackenzie* declared that he was favourable to the grant. When it was shown that the spiritual wants of the

people of Scotland were inadequately supplied, he could not understand the force of the argument which would refuse to pay any attention to those wants.

Mr. *Wilks* said, that on the right hon. Gentleman proposing his Committee he should certainly feel it his duty to resist it, on the part of the Dissenters of the United Kingdom. He never would consent to a Parliamentary grant in cases where the contribution should be private. The claim now made was really surprising. One hon. Gentleman told them 10,000*l.* only would be required, and another said that if one third part of a farthing was contributed by each inhabitant, the requisite amount would be raised. If it was such a trifle, then, what need of that application to Parliament. On these simple grounds he would certainly object to going into a Committee at all.

Sir *George Clerk* was sure that the more frequently and fully this Question was discussed the greater success they would have in removing the groundless apprehensions of those unacquainted with Scotch affairs, as to the demands made upon the public purse. The hon. Member who had just sat down was, it appeared prepared at once to resist the appointment of a Committee. In such a view of the Question, those hon. Members who felt that an Established Church tended to advance the morality and religion of a country could not possibly join. If they had no doubt as to the advantages of such spiritual assistance, it could not be to them matter of indifference whether or not it was adequately afforded to the people. Now, the principal duty of the proposed Committee would be to ascertain whether at present there was sufficient Church accommodation for those who desired to avail themselves of it: and, if not, whether the Church of Scotland was in possession of any funds out of which such additional accommodation could be provided. This was no unusual claim. In 1818, a grant of one million was made towards the erection of Churches belonging to the national Establishment in the southern districts of the island, and in 1824 another grant of 500,000*l.* was made for a similar purpose. What were the chief objections to those grants? "Why," said the hon. Member for Middlesex, (Mr. *Hume*) and the right hon. Member for Nottingham (Sir *J. C. Hobhouse*), "there is no necessity for these large contributions in aid of

so wealthy a Church as the Church of England. Apply the grant to the extension of the Church of Scotland, which is poor, and in absolute want of such assistance, and we shall be satisfied." That proposition was now made. Many Churches had been built by private subscription, and in order to collect an income for the Clergyman, it was necessary to place a price upon the seats. Give an endowment to such Churches, and it would no longer be necessary to continue that system. Indeed, he would readily agree to the propriety of making it a condition of the grant, that in Churches so circumstanced, a large proportion of the seats should immediately be thrown open. An insinuation had been hazarded that this was a Tory manoeuvre. He would merely observe in reply, that a representation of the propriety of such a grant had last year been favourably received by the Whig Government, and it might moreover be remembered that the then Lord Chancellor had from his place in Parliament, strongly urged the necessity of attending to the spiritual wants of the people of Scotland. Let not hon. Members be led to suppose that any burden would be imposed upon the Dissenters. He was well aware of the number of those who dissented from the Established Church, and he had not been inattentive to the number of Petitions against the proposed grant. But he would affirm that hardly one of these Petitioners was at all affected by the necessary expenses for the support of the Church. The Church-rates were defrayed by the proprietors of land, who were all strongly in favour of the grant. The only class of persons dissenting from the Church of Scotland, and at the same time contributing to the payment of its expenses, were the Episcopalians, and they, he was certain, were far from being hostile to the proper supply of the spiritual wants of the people. In conclusion, he hoped that the House would not agree in the doctrine laid down by the hon. Member, who had taken a preliminary objection to any inquiry into the subject.

Petition laid on the Table.

[ELECTION RIOTS AT PRESTON.] Dr. *Bowring* presented a Petition from Preston, signed by 4,500 inhabitants of that place, complaining of events which happened there during the last election, of the scenes of outrage and violence which were

committed by the partisans of the sitting Members, and of the bribery which was unblushingly practised, and imploring the house to interfere for the purpose of preventing the recurrence of similar malpractices. He believed that the Petition was calculated to promote the advance of a Question which of late years had made great progress in the public mind—he alluded to the Question of the Ballot. He was one of the few persons who many years ago had advocated the Ballot as the best security for the honesty of the elective body. Certain he was, that wherever there was wealth it would be employed to seduce, and wherever there was power, it would be employed to coerce, the honesty of voters, and this was a remarkable example of the manner in which wealth and power combined, had been used to obstruct the conscientious voters of Preston. The allegations of the petition were so important, that he was particularly desirous to call the attention of the House to them. He had himself been an eye-witness of many of the facts of which the petition contained a statement. On the 8th of last January, having been requested by a great number of the electors to stand as a candidate for the representation of that borough, he had gone thither, not with an intention of accepting their offer, for he was then engaged elsewhere, but with the intention of ascertaining the state of things in the place. He found the town in complete possession of a body of men wearing blue and yellow caps. On going to the hustings, representations were made to the Mayor, that if it were permitted these men to parade the town with this distinguishing dress it must inevitably lead to violence and outrage. The Mayor, however, would not listen to these representations. On the following day these men broke out into the most violent excesses: many houses were attacked, the windows were broken, and the furniture in them destroyed; and in consequence there were presented at the last March assizes against these persons indictments, upon which thirteen of them were found guilty, and sentenced to be imprisoned for different terms, varying from six to twelve months. Regarding some of the persons who were then found guilty, the learned judge who tried them said that it was fortunate for them that they had not been indicted for capital offences, and reminded them that they were indebted for that lenity entirely to the

mercy of the prosecutors. The hon. Member then read the allegations of the petition, which were in conformity with his speech. After the statement which the House had just heard, it would be no surprise to the hon. Gentleman to hear that the prayer of the petition was, that the House would be pleased to pass a law preventing the occurrence of bribery and intimidation at elections, and that it would grant the Ballot as a security to electors. The petitioners also prayed for such a reform in our Municipal Corporations as would relieve the Mayors of borough towns from their present duties, and as would restore to the people the right of which they had been deprived,—namely, the right of electing their own magistrates. He had given notice to the sitting Members of his intention to present this petition. He was afraid that not only intimidation and violence, but that corruption also, had been carried on to a large extent in the borough of Preston at the last Election. He had received this card (holding one up to the House) from a voter who had received it for his suffrage at the last Election, but the man's conscience smote him, after he had performed his part of the contract, and he had not the courage to present the card, which would have entitled him to receive the price of his corruption. The hon. Gentleman concluded by moving that this petition be referred to the Committee sitting to inquire into the best means of preventing bribery and intimidation at elections.

Petition referred accordingly.

[OBSERVANCE OF THE SABBATH.]

On the question, that the House resolve itself into a Committee on the Lord's Day Observance Bill,

Mr. *Hawes* rose for the purpose of moving that it be referred to a Select Committee up stairs. He felt that the subject was one of considerable importance, and regretted that any petition should have been presented on the subject calculated to produce any feeling of levity. He was inclined to admit, that some day should be set apart for rest, and that encouragement should be offered to the due observance of the Sabbath. When the hon. Baronet for Wigton (Sir A. Agnew) formerly introduced his measure on this subject, he called it a Bill for the protection of the poor. Certainly, when seen, it was found to deserve any-

thing but that title, and the hon. Member for Shaftesbury, (Mr. Poulter) did not hesitate to oppose it, and to cast no little ridicule upon it. He must admit, that this Bill was of a much more moderate description, than the Bill of the hon. Baronet; the hon. Member who promoted it, professed that his object was, to put down Sunday trading, and for this purpose he had brought forward two Bills—one last year, and that now under consideration. The two did not percisely correspond, because in the present measure many important words were introduced: it was of a more formidable nature. It was proposed in it to punish every act of "ordinary trading" or dealing on the Lord's day; and the whole question, therefore, was, what was "ordinary trading?" Unless that were clearly made out, the objection originally made by the hon. Members for Shaftesbury to the Bill of the hon. Baronet would apply to his own Bill namely, that it left society at large to the tender mercies of informers. It seemed to him indeed that the informer was the only party who would receive encouragement and benefit; nor would the result be the better observance of the Sabbath. The hon. Baronet (Sir Andrew Agnew) objected to the reference of Bills of this kind to a Select Committee, for he had so stated in a pamphlet he had published; the hon. Baronet's reasons, indeed, were not very strong, and he was not without hopes that the hon. Baronet might change his mind; but at present it seemed that he disapproved of secret discussion in conclave upon the subject. He, on the contrary, saw considerable objection to public discussion on the measure. He did not think that the cause of religion was at all served either by the display of over-earnestness on the one side, or by the application of scoffs and taunts on the other. For this reason he held that a Select Committee to examine the Bill was the more proper course, as it gave all parties interested a means of being heard without causing public offence. The House was perhaps not aware that there were sixteen or seventeen statutes for the better observance of the Sabbath; they had been passed from time to time, from time to time they had been modified, and nearly all but those intended to give some exemption had become obsolete. Surely this was an argument for pausing and considering well the construction of a new

Act of Parliament on the subject. He could not help thinking that his hon. Friend's (Mr. Poulter's) own argument, used upon occasion of the hon. Baronet's Bill, deserved considerable weight when he contended that a Committee ought to be appointed to prepare "a rational and truly religious measure, to give protection to every class of his Majesty's subjects in respect to the observance of the Lord's Day." From his hon. Friend, therefore, opposition to the amendment could hardly be expected. While he wished for no further legislation he could not deny the great interest taken in the subject by the country, and hence it was evident that at no distant period some Bill must pass into a law, and the principle of this measure having been sanctioned on the second reading, some means ought to be adopted honestly and fairly to make it a proper measure by defining the meaning of the words "ordinary trading." His hon. Friend (Mr. Poulter) had stated that his intention was only to shut up shops on the Lord's Day; but the words in his Bill went further, and went to put an end to all traffic. [Mr. Poulter No! No!] His hon. Friend might not really mean that, but he did not think there was a lawyer in the House who could show what ordinary trading was. It was impossible, therefore, to say to what extent the Bill went, nor, probably, could his hon. Friend inform the House. If his hon. Friend was afraid to face the ordeal of a Select Committee—if he could not define what his Bill was to effect, it was necessary that the Question should go before a Committee, where it could be fairly, fully, and honestly discussed, where it could be ascertained what was meant by ordinary trading—what it was proper to touch, and what to leave untouched. If his hon. Friend would consent to that tribunal, he, for one, would give his hon. Friend his best assistance. If no clear definition was to be given, so that the practical effect of the measure could be judged of, he, should feel it his duty to oppose it on every opportunity. One point ought to be kept in mind by the House, viz., that it was admitted on competent authority that there had been a gradual and progressive improvement in the morals of the people, and that Sunday was now better observed than at any former period. This fact had been avowed

by the hon. Baronet (Sir A. Agnew) on presenting a petition with the sentiments of which he declared his concurrence. Dr. Pye Smith had made a similar declaration in a celebrated sermon, and, if necessary, other authorities to the same effect might be quoted. What he wished was, that this improvement should be allowed to proceed without legislation. No Act of Parliament could operate so effectually as good example. He would not farther occupy the time of the House, but would move as an Amendment that the Bill be referred to a Select Committee.

Mr. Potter seconded the Amendment, after the Bill had been supported by a majority of the House on its second reading, it was not fit to throw it out without due consideration, and that consideration could be best given in a Committee upstairs. He knew that several Members had Amendments to propose which would create discussion, and might throw a certain degree of ridicule upon the Measure. He understood that the hon. Baronet intended to oppose the Amendment, because he thought that public discussion was useful; but surely it was a disadvantage that a question of this sort should be treated with any want of decorum. It was one great error of the Bill, that it attacked only the lower and middling classes. Such was the case with the Measure of the hon. Baronet, which went the length, however, in one clause, of preventing travelling on Sunday. He (Mr. Potter) wished to know why the hon. Baronet had not attempted to stop the mail; why, too, had he not endeavoured to shut up the Zoological Gardens on Sunday, as well as Hyde-park? The reason seemed obvious—that it would infringe upon the luxuries of the higher orders—the Members of the two Houses of Parliament.

Mr. Poulter trusted, that the House would support him in his resistance to a most unreasonable proposition, proceeding from no other desire than that of obstructing, delaying, and defeating a moderate measure, which had been approved of by a large majority on the second reading. If it had at all resembled the Bill introduced by the hon. Baronet (Sir A. Agnew), there would have been ground for referring it to a select Committee. If it had contained numerous and extensive clauses—if it had attacked large classes of the

people—if it had imposed heavy, various, and complicated penalties, it would have been quite proper that it should undergo a revision of the kind; but small as it appeared, it was in fact smaller than it seemed, for the whole enactment occupied but six lines, and if it were referred to a Select Committee, there would not be half a line for the consideration of each Member. He sincerely believed that if the Bill were allowed to pass in something like its present shape, it might justly be called *The Poor Man's Bill*. At all events it would secure to him one day in the week as a day of repose, peace and instruction. He trusted that the House, having already given its support to the principle of the Bill, would not desert it on the present occasion. It was his intention in Committee to introduce further exceptions into the Bill, and to provide for the just recreation and refreshment of the poor, who on Sundays, after attending Divine Service, might feel disposed to walk to some distance from their habitations. With that view it was his intention to provide for the sale of fruit and confectionary on the Sabbath-day; but he believed that the suppression of shop-keeping and ordinary trading on that day, instead of being an inconvenience or a disadvantage, would be attended with very considerable benefit to the poor. [Upon this point the hon. Gentleman quoted the testimony of several tradesmen, to shew that the purchase of necessities on the Sunday Morning, instead of the Saturday evening, was a decided disadvantage to poor persons.] In point of fact, the simple question involved in the Measure was, not whether the penalties should be provided to prevent the recreation of certain classes of the community, but whether common marketing on Sundays ought not to be abolished.

Mr. Hume could not understand, if the Measure were good what possible objection the hon. Gentleman could have to referring it to a Select Committee. If its provisions were found reasonable, surely a little closer examination of them would not subject them to any danger. The hon. Gentleman had said, that the Bill, as it now stood, would not interfere with the interests of any class of the community; but he (Mr. Hume) had been assured by the market-gardeners in the neighbourhood of London, that if such a Bill were allowed to pass it would be utter ruin to them; because it

was perfectly impossible for them to provide for the supply of the Monday's market, without violating in some degree the sanctity and repose of Sunday.

Mr. *Cobbett* wished to know whether, in the exceptions which the hon. Gentleman said it was his intention in Committee to insert in the Bill, he meant to include persons who sold cakes and fruit by the road-side? There were thousands of industrious persons who obtained their living in that manner; and he begged to know whether they were to be protected.

Sir *Andrew Agnew* could see no other object in the proposition for referring the Bill to a Select Committee than the allowing the Gentlemen who might compose that Committee an opportunity of indulging in scoffs and taunts. He for one could not regard the provisions of the Bill as of too stringent a nature: on the contrary, he feared, if it were allowed to pass in its present shape, it would fail of producing the desired effect.

The *Chancellor of the Exchequer* was at a loss to conceive what possible benefit could result from the adoption of the hon. Member for Lambeth's Motion. The Bill had already been read a second time, its principle had been fully recognized by the House, and now in the regular order of things its details came to be considered in Committee. What advantage (unless delay were to be regarded as an advantage) could possibly attend its being referred to a Select Committee, remained for the hon. Member for Lambeth to prove. When the Bill went into Committee it would be open to any hon. Gentleman to object to any of its provisions, or, if he thought fit, to propose new ones.

Mr. *Warburton* thought that the adoption of such a Bill as the present would tend to bring all legislation upon the subject into disrespect. The hon. Member for Shaftesbury (Mr. Poulter) admitted that he had several amendments himself to make in the Bill; then why not give to all whose interests might be affected by the Bill an opportunity of stating their case before a Select Committee? The Report was not a fit one for consideration in a Committee of the whole House, because the exceptions to be proposed were completely matters of detail. As the Bill now stood, he (Mr. Warburton) was persuaded that all places of refreshment would fall within the provision of its penal clauses; and therefore, if passed in

its present shape, it would, in the course of a very short time, become a positive dead letter.

Sir *Robert Peel* said, I confess that I always listen to discussions on this subject with great concern. There is no man in the House who attaches greater importance than I do to the proper keeping of the Sabbath-day. I think no one has a right to shock the public feeling by desecrating the Sabbath-day; but at the same time, I entertain very serious doubts as to whether we shall promote that object by legislation, and whether it will not be better to trust to the influence of manners and the increase of morality, for the purpose of checking, by public opinion, the attempt at profanation of the Sabbath, than to have recourse to new laws which I fear in themselves would be difficult of execution; and which, as they might be perverted to purposes of annoyance to individuals, would tend to bring the law itself into disrespect. I confess, judging from my own experience, I should say that you might safely trust to the influence of manners. I should say, that comparing, even within my own short experience, the observance of the Sabbath with what I have witnessed, and certainly with what I have read, making this comparison I should say, that without the interference of any new law the Sabbath-day is now much better observed than was the case formerly. If that effect has taken place nothing would be more easy than to show that you owe that consequence, that good effect of the influence of manners, to the influence of public opinion and not to legislation. Because I will undertake to prove, to the satisfaction of any man, that the enactments now on the Statute-book, are not, and have not been, observed. Of this I am perfectly satisfied, that you have only one of two alternatives—either to leave the law in its present state, and not to touch it, or, if you do touch it, to simplify and consolidate it, and to let the public know what the law really is with respect to the desecration of the Sabbath. Now, the hon. Gentleman the Member for Shaftesbury is about to take a third course, which I think very unnecessary. The law of Charles 2nd, is now in operation; it is on the Statute-book, but practically it is not observed; but the hon. Gentleman is about to pass a Bill which assumes the existence and operative effect of that law,

The hon. Gentleman's Bill is entitled, "A Bill to amend and render more effectual the statute 29th Charles 2nd.;" but the provisions of the Bill are totally at variance with its title, for the hon. Gentleman does not attempt to enforce the Statute of Charles. He does not attempt to make the Statute of Charles more effectual, but he selects one particular offence contemplated by that Statute, and makes that one particular offence more penal. The hon. Gentleman says nothing of the other offences specified in the Statute of Charles; and consequently, when you have this Bill passed, you must still refer to the Statute of Charles, to explain to you what the law really is. The hon. Gentleman says, there is no occasion to consider the Bill with any great anxiety, or to discuss it at any great length, because all the enacting part of it is comprised within six lines. That may be very true; the Bill itself may not exceed six lines, and yet it may be very important. For instance, you may say that there shall be no drinking on the Sabbath-day, and that provision, if you like, may be comprised within a single line; but still every one would be aware that the provision though short was of a most sweeping and comprehensive nature, and that it would be necessary to look with great jealousy and apprehension to the practical consequences that might ensue from it. I will prove to the hon. Gentleman, that in carrying his Bill into effect it will be constantly necessary to refer to the Statute of Charles 2nd. One of the offences under the Statute of Charles is the letting out a boat for hire on Sunday. [Mr. Poulter: That clause has been repealed.] But how are the people to know that? The hon. Gentleman founds his measure upon the Statute of Charles—calls it a measure for enforcing and rendering more effectual the Statute of Charles, and then, when one of the very first offences specified in the Statute of Charles is mentioned, he gets up and tells us that other Bills have since passed by which the penalties upon several offences enumerated and provided for in the Statute of Charles have been repealed. How, then, is the hon. Gentleman's Bill to be understood? The Statute of Charles, in the next place, provides that no "drover, waggoner, butcher, &c., shall travel or come into any inn or lodging on the Sabbath-day, under the penalty of 20s." Is that a part of the hon. Gentleman's

Bill? [Mr. Poulter: No.] But is not the dealing with these persons part of the Bill? I was at first inclined to support the proposition of the hon. Member for Lambeth, for referring the Bill to a Select Committee; but, upon further consideration, I think it would be infinitely better for the House of Commons to meet the Report fairly, and to defeat it upon principle. If it should be the opinion of the House that it is dangerous, that we may defeat our own objects by legislating on the Report, surely it would be better, rather than to create a vexatious delay, by referring it to a Select Committee, when a Report may be made at such a late period in the Session as to prevent the possibility of any effectual progress being afterwards made—rather than to adopt that course, surely it would be better to act upon the suggestion I now make. I am opposed to the proposition for referring the Bill to a Select Committee, because some Gentlemen might think that an indirect mode of defeat. I am, therefore, prepared to go into Committee this evening, and to allow the hon. Gentleman to make the Bill as perfect as he can; and when he has taken that course, I shall call upon him either to drop the Bill altogether, or to leave the law as he found it, and to trust to the continued operation of manners to enforce the observance of the Sabbath. That I confess is the bearing of my own mind. I confess I do see enormous difficulties in trying to carry this Bill into effect. The Statute of Charles 2nd attempted to prevent travelling of all descriptions on the Sabbath, as well by the ordinary means of land carriage as by boats? Why is that abandoned in the present Bill? If it be wrong for the humbler classes to travel by steam to Richmond on Sunday, surely it must be equally wrong for us to be travelling in our carriages on the same day. I do believe that the rich are the greater offenders, but we ought not to make laws which practically inflict very unequal restrictions on different classes. If we interfere with the innocent recreations of the poor, such as mere locomotion, we shall do much harm. Enactments of such a description tend only to create disunion between the richer and the lower classes, because the restrictions which they provide apply principally to the latter. To any law proceeding upon that principle I must decidedly object. If you legislate upon the

subject at all it ought to be impartially : the restrictions you provide should apply equally to all classes. The hon. Gentleman, the Member for Shaftesbury, despatching to make the Statute of Charles 2nd efficient upon the two points I have enumerated, takes another point and endeavours to make it more stringent than it was originally intended to be. Then I say he ought to repeal all the rest of the Statute. He should either leave the law as it is, or else make it more simple and plain. That is not the hon. Gentleman's object. But considering the pains and trouble to which the hon. Gentleman has gone, no doubt with the best motives, I shall not throw any impediments in his way on the present occasion ; but I shall reserve to myself the right—when the hon. Gentleman has reduced the Bill to as perfect a shape as he can, either of calling upon the House to reject the Bill altogether, or, if the House be determined to legislate upon the subject, then to require that we should so consolidate the laws, as that the public may understand what is an offence against the law and what is not.

Mr. *Tulk* said, that if he thought this Bill was either intended or calculated to render more stringent that detestable Statute of Charles the Second, it should not have his vote : but it was because he considered it calculated to afford to the poor man that freedom from labour and that opportunity to partake of innocent recreations which he required on the Sabbath-day, that he should give it his support.

Mr. *Robinson* thought as the principle of the Bill had been adopted already by the House, it would be hard on the hon. Member, who had bestowed so much pains upon it, not to allow it to go into Committee. The whole of the observations of the right hon. Baronet would have been much more appropriate if they had been made on the second reading of the Bill.

Mr. *Hawes* agreed to withdraw his Amendment, and would take the sense of the House upon the Question on the bringing up of the Report.

The *Attorney-General* expressed his entire concurrence in the view which the right hon. Baronet (Sir R. Peel) had taken on the subject, which he conceived to be one wholly unfit for legislation.

Mr. *Goulburn* intended to vote for the Bill going into Committee of the whole

House ; and trusted that whatever amendments were introduced might, on the one hand, remove all just causes of complaint made against any overstrained enforcement of the law of Charles the Second, and, on the other hand, be equally effectual to prevent that great and crying evil which had grown up very much of late years—that of Sunday trading.

The House went into Committee on the Bill.

Mr. *Poulter* proposed to introduce the words “in an open shop,” in order to obviate the objections which had been made to the Bill by the right hon. Baronet (Sir R. Peel)

Sir *Robert Peel* wished to know what was meant by the words “in an open shop?” Did it mean selling at a stall, or not? It was material to be very definite upon this point ; because the people would regard this Bill as the latest legislative declaration on the subject ; and if selling at a stall was not to be included under the terms “open shop,” then instead of putting an end to trading on the Sabbath-day, the effect of the Bill would be to make that trading be carried on more publicly than ever, inasmuch as a stall was more open than a shop. The hon. Member excluded the sale of animals on the Sabbath ; but if the words “open shop” did not mean a stall, there would be an inconsistency in the Bill, for animals were always sold openly, and not in shops. If, therefore, it were legal to sell at a stall, it would also be legal to sell cattle on the Sabbath-day.

Mr. *Poulter* said the word “Animals” was intended to prevent the sale of cattle in any way. He regretted that he had not heard the objections of the right hon. Baronet before, as he confessed he was at this moment unprepared to meet them. He thought, however, that means might be devised to obviate those objections. The words “in any open shop or stall” might have that effect.

Mr. *Hawes* asked whether the hon. Gentleman meant to put down coffee-shops and the sale of newspapers on the Sabbath-day?

Mr. *Poulter* thought that coffee-shops ought not to be excepted out of the operation of this Bill. With respect to the sale of newspapers, certainly, as the Bill was at present framed, such sale would fall within the scope of its provisions. But it was competent for any hon. Mem-

ber to propose an exception of newspapers from the operation of the Act, and the House would deal with such a proposition as it thought proper.

Sir *A. Agnew* said, that as regarded the sale of newspapers, he begged to remind the Committee that the newsvenders had petitioned the House to put down the sale of newspapers on Sundays.

Mr. *O'Connell* deprecated all legislation on this subject. Piety was not to be enforced by Act of Parliament. It flourished most when left to the free operation of higher motives than the fear of legal pains and penalties.

Sir *Harry Verner* expressed his hope that the hon. and learned Gentleman would not give up the Bill. In his opinion it was a most sensible one, and would produce the beneficial result of rendering certain laws which are now practically inoperative effective.

Mr. *Thomas Duncombe* hoped, that coffee-houses would not be closed on Sunday by the act of that House, as there were a very numerous class of young men, attorneys' clerks, and so forth, who were unable to obtain their dinners at any other places.

The *Attorney-General* entreated the Committee to recollect that after what had already taken place the present discussion was a mere waste of time. He hoped they would allow the Bill to go through the Committee *pro forma*, with a view to its being afterwards recommitted.

Mr. *T. Duncombe* presumed, then, that they were only suggesting heads for some amended Bill to the hon. Member. He would suggest one himself—namely, that shell-fish sellers should be excluded from the operation of the measure.

Mr. *Potter* would beg to make another suggestion. The 29th of Charles 2nd prohibited the sale of flowers, fruits, and herbs, on Sunday; as many persons had a great taste for flowers, and as it was one of a most innocent description, he should propose a clause to exempt flowers, fruits, herbs, confectionary, soda water, and ginger beer from the operation of the measure.

Mr. *Roebuck* would equalise the law, so as to affect the rich as well as the poor. If public carriages were to be stopped on a Sunday, so should private vehicles; public carriages afforded comfort and means of conveyance to a greater number of persons than private, and yet employed

fewer labourers. If a poor man, pent up all the week, was to be debarred from an excursion to the country for his health on a Sunday in a hired vehicle, why should the rich man, who was free every day in the week, have a license for driving about on that day, and keeping a retinue of servants employed about him and his horses? He respected the morals of the poor, and he did not see why servants, who could not with impunity take a jaunt on a Sunday, be employed in rubbing down the horses of their masters on that day; nor did he see, if the rigid observance of the Sabbath were a matter of such imperative duty as to exclude all kinds of labour, why lordly Bishops should ride to Church in coaches, and compel their servants to work, and violate that observance.

Mr. *G. F. Young* called the hon. Member to order. If he were not about to give notice of an amendment he should not enter into such a discussion.

Mr. *Roebuck* said the hon. Member (Mr. Young) was in the habit of lecturing persons. But it would be well if his reprimands were more guided by judgement and discretion. He (Mr. Roebuck) would contend that the Bill was a punishment to the poor, and a perfect indemnity to the rich. If a rich man gave a dinner to twenty different persons on a Sunday, as was often the case, all these would have their coachmen, footmen, and grooms employed to attend; see then how many would be required to violate the Sabbath, in order to minister to the pleasures of a few. Yet a poor man, who had not a kitchen fire, or utensils to dress his breakfast or dinner, would be prevented from going to a coffee-shop or cook-shop on that day to get necessary food. Last year, when a similar Bill was before that House, a body of mechanics called on him, said they desirous of being orderly and hurting nobody, but if the House of Commons passed such a Bill, and showed such carelessness about their wants and comforts, they would declare their feelings by openly breaking the Sabbath, for they would assemble in a body of 100,000, and dance and play.

Mr. *G. F. Young* denied that he used a dictatorial term to the hon. Member, and surely the hon. Member was not exactly the person to charge any one with assuming too much, or with want of judgement, modesty, or discretion.

Mr. *Ewart* also opposed the Bill; which, by its operation in Liverpool alone, would prevent the transmission of newspapers to the whole of North and South America by vessels that sailed on a Sunday. He entreated the hon. and learned Gentleman to withdraw the measure, and extricate himself from the legislative morass in which he was now plunged.

Mr. *Charles Buller* said, that the only refreshments the hon. Member allowed the public to procure on Sunday, were medicines. He would not allow work for gain on Sunday. Now, his Bill would allow the rich to work for gain on that day; for the rich lawyers might carry on their chamber practice on that day—and these lawyers might be employed on that day in preparing a case for prosecuting the poor violators of it. Not only the lawyers, but the attorneys and their clerks might be safely employed on that day. So, then, a poor man was to be punished for buying or selling a halfpenny-worth of meal on a Sunday, and the Solicitor or Attorney-General, his attorneys, and their clerks might be safely engaged in preparing a prosecution against him, an occupation that the community might not think quite so innocent.

Mr. *Maclean* expressed his concurrence in the opinion, that if they interfered unnecessarily with the amusements of the people, they would take a pleasure in breaking, and make a point of breaking, the law. He was not aware that there was any foundation for the charge which had been made against the members of the legal profession. When the hon. Gentleman had reached that exalted legal station to which he no doubt very properly aspired, he would have an opportunity of resisting the temptation and refuting the accusation in his own person.

Mr. *Baines* had never heard a discussion in that House which he thought would prove so offensive to the public, from the tone of levity with which the subject had been discussed. He hoped the hon. Member would persevere with the Bill, and that his perseverance would be crowned with success.

Mr. *Hawes*, having commenced the discussion, indignantly repelled the accusation of the hon. Gentleman. It was rather too much for that hon. Gentleman to take upon himself to impeach the conduct of that House and of individuals who had as good a right as himself to express

their opinions, even though they did so in a manner unpalatable to him.

Mr. *O'Connell* participated entirely in the feelings expressed by the hon. Member for Leeds, as to the propriety of their respecting the sentiments of their constituents, and certainly a lecture upon that subject came particularly well from the hon. Member for St. Andrew's. It was on that account he had made a grave speech, because his constituents were fond of a hearty laugh. In his opinion there was a species of gravity more injurious and more contemptuous than any laughter; for it was upon that that persecution was founded. The best way to meet bigotry was by turning it into ridicule. The Inquisition was introduced in other countries under the mask of seriousness, and God forbid that under the same pretence persecution should be attempted in this country. The time was gone by when they could attempt to institute piety by Act of Parliament. After all that had been said, he would ask the hon. Member if he thought he could ever pass his Bill through a British House of Commons? He most sincerely hoped that they should never hear more of it. There was a question lately before Lord Jeffery as to whether a barber's boy was obliged to shave his master's customers upon Sunday, and the Scotch Courts had given as their judgment that he was not obliged to shave.

Mr. *Andrew Johnston* having been pointedly alluded to by the hon. and learned Member for Dublin, begged the indulgence of the House while he, in a few words, explained the situation in which he had been placed. It was quite true that a considerable number of his constituents were not pleased at the vote which he had given in opposition to Lord J. Russell's motion on the Irish Church, and had called upon him upon that account to resign his seat as their Representative. In these circumstances, not trusting to his own judgment in a matter so personal, he determined upon taking the advice of those in whose opinion he himself as well as his constituents felt confidence. He accordingly laid a statement of his case before Lord John Russell, the Chancellor of the Exchequer, and the hon. and learned Member for the Tower Hamlets, and put the question to those Gentlemen, whether in the circumstances he was bound to resign. The noble Lord and the two gentlemen whom he had named gave it as

their joint opinion that he was not bound to resign, and it was on their judgment thus given that he had the honour of continuing to hold a seat in that House.

Various Amendments were agreed to, and the House resumed.

WILLS EXECUTION BILL.] The *Attorney General* moved that this Bill be re-committed.

The House went into a Committee. The clauses to the 13th were agreed to,

On the 13th clause being read,

Sir *William Follett* moved as an amendment that the words "as well as real property" be omitted; the effect of which would be to leave the law as regarded real property as it at present stood. The object of the Bill was to allow persons of the age of seventeen to dispose by will of real as well as of personal property. He wished the law as far as concerned real property to be left in its present state.

The *Attorney General* was very desirous that there should be one age named at which both sorts of property should be disposable by parties. He would agree to the feeling of the majority of the Committee, whether the age should be twenty-one in reference to both, or twenty-one in reference to realty, and seventeen as to personalty, but he certainly thought individuals should not be allowed to dispose of personalty under seventeen years of age. As the law at present stood, children of ten, twelve, or fourteen years old might will away money to any amount, provided they were of sound mind.

Dr. *Lushington* said, there could not be a greater anomaly in the law than that which told them that a person might not dispose of real property to the amount of 40s.; and told them in the same breath, that he might dispose of personal property to the value of 500,000*l.* There was just the same temptation, just the same probability of deception as to personal, as to real estates. But his hon. and learned Friend, (Sir W. Follett) proposed to remove a part of the anomaly: he said, "I prohibit you from devising real property till the age of twenty-one." But, in his opinion, as he had often observed, the law ought to be the same with respect both to personal and real estates, and that it was infinitely better at twenty-one, than any other age; and he had no objection, therefore, to imposing a restriction up to twenty-one.

Mr. *O'Connell* said, that the law, as it then stood, was a disgrace to national justice. There was no rule as to personal property; the court decided whether the party was competent: that was certainly the worst mode of legislating upon the case: that state of the law had been endured to the present year; and really it was not creditable to England that it had been suffered so long. Now they had come to remedy it, by striking out the anomaly which had been adopted for ages. A person could dispose of personal property, or chattel interest, to any amount whatsoever. It was proposed now to correct the anomaly by diminishing the power, that is, by keeping from a person the disposal of his property so far as related to chattel interests, till he was seventeen, and increasing the power so far as related to real property by lowering the age at which it could be disposed of to seventeen. The only question for the House was whether it were better to give the dominion over real property, or to take it away from chattel property. The hon. Member had convinced him that the method proposed by this Bill was the best way to remedy the anomaly, and he should certainly oppose the Amendment.

Dr. *Nichol* said, that he thought the present law fixed a very fair age, and he should support the Amendment of his learned Friend.

Sir *George Strickland* observed, that the reason the age of twenty-one had been recommended by some Members was plainly this, that that age was fixed on for a variety of other purposes, that in the minds of the community at large it was regarded as the age of competency, and that the grounds of any departure from it would not be admitted as valid by people in general, and would lead to uncertainty and dissatisfaction. He preferred the Amendment, leaving the law as it stood, or making the age twenty-one for all, to the alteration proposed by the Bill.

The *Solicitor General* was sensible of the difficulty of drawing a line, but he thought that the suggestion of his hon. and learned Friend, the Member for Exeter, would put the law on the best footing, that is, if the age of twenty-one were fixed upon as the disposing age for both species of property. He agreed that seventeen would not satisfy the community at large, because it would be comprehensible to very few. As to the idea

that any privilege at present enjoyed ought to be looked upon as a vested right, he repudiated it altogether, and he therefore fully concurred in the substitution of twenty-one for seventeen.

Mr. *Cutlar Fergusson* professed himself favourable to seventeen or eighteen, rather than to twenty-one. There was no analogy between the act of disposing of property by will and by contract, since it was one thing for a man to indulge his inclinations, and quite another to form a sound judgment respecting the equivalent which he might receive in any given contract. As to the mischiefs that might arise from capricious and absurd wills, experience had proved that they were much more frequent amongst the very old than amongst the very young. Inasmuch as a minor might become a parent, the privilege of disposing of his property as he thought proper amongst his own offspring ought not to be denied to him.

Mr. *Lynch* supported the Amendment. He admitted that it took away a right, but it did so for the purpose of conferring a general advantage, making the law what it should ever be, uniform.

Mr. *Bernal* contended that they ought to deal with personal property in the same manner as with real. It should be recollected that in modern times the great mass of the property of the country was personal; the national debt leases for 999 years were all chattels. In former times, personal property existed only in name; consisting only in a few hoarded ingots of gold and silver, or anything of that kind; but now personal property was often more valuable even than real. He agreed with the Member for Dublin as to the necessity of uniformity, but they must fix upon an arbitrary period; he thought the age of twenty-one was best, because it opposed a greater barrier and security against undue influence. Looking at the habits of the youth of both sexes in this kingdom, he would put it to the Committee whether it would not be more consistent with the general welfare of the community to restrain the power of disposing of chattel property until the age of twenty-one, rather than extend it? At twenty-one it was probable that a great many of the errors of sixteen or seventeen would be seen and avoided, for two or three years caused a great change in the mind of young people at that period of life. Every parent and guardian knew that at seventeen their

charge was not safe, nor even twenty-one; but as there should be a period to non-age, and as twenty-one was nearer to ripe reason than seventeen, he thought there could be no hesitation which to choose in the mind of any man who looked at human nature as it actually existed. He could not see why there should be any distinction between personal and real property in the present state of society. Personal property in 1835 was quite as valuable as freehold property. Why then should not both have equal protection against the errors of youth or the efforts of designing individuals?

Mr. *Charles Buller* observed, that wills and contracts were matters essentially different, and the feelings of the young were as much in accordance with those of persons of mature age, as the feelings of those far advanced in life. Besides that, the power of making wills often operated most advantageously on the Law of Primogeniture; he was therefore unwilling to agree to anything tending to circumscribe that power.

Sir *William Follett*, in reply to the hon. and learned Member for Kircudbright, said, that the Amendment certainly went to take away a vested right; but then the original clause, which the hon. and learned Member supported in opposition to it, was to precisely the same effect. With respect to the age of seventeen, nothing could be urged in its favour. It was entirely unknown to the law of the country, while twenty-one was recognised in almost every legal Act referring to person or property. If, therefore, the law, in a majority of cases, fixed upon twenty-one as the age of perfect capacity, why depart from it in the present instance? Why not equalize that to the other? There was no more magic in the age of twenty-one than in that of seventeen; but as a time should be drawn somewhere, it would, for all useful purposes, be best to fix it at a period which everyone recognized, and which common-sense acknowledged.

Mr. *Warburton* said, the real question at issue was the age at which individuals were competent to devise their personal property; and it was one which, whether lawyers or not, hon. Members would find no difficulty in resolving. In adopting the Amendment of the hon. and learned Member for Exeter, he was clearly of opinion, that the Committee would be legislating against the natural feelings of

humanity. A case in point would convince them of the fact. A man might marry under the age of twenty-one; he might have children under the age of twenty-one, and he might die under the age of twenty-one. Was he to be deprived of the power of bequeathing his personal property because he had the misfortune to die before a certain age? To suppose so would be doing a violence to the feelings of human nature. If, however, the Committee should decide upon adopting the Amendment, and fixing twenty-one as the age, he trusted that they would make the case he adduced an exception to the general rule, and provide for it and others of an analogous nature accordingly.

Mr. *Law* suggested, that the introduction of the word "unmarried" into one part of the clause, would meet the view of the last speaker—giving the testamentary power to married, and taking it away from unmarried persons under the age of twenty-one.

The *Attorney-General* thought, that under the age of twenty-one, there was great danger of an improper disposition of property. For that reason, as well as the universality of twenty-one, and the uniformity it gave to legal processes, he should support the Amendment.

The Committee divided, when there appeared for the Amendment 82; for the original Clause 38—Majority 44.

The Clause as amended, was ordered to stand part of the Bill.

On Clause 16 being read, which provides that every will be in writing, and signed by the testator in the presence of two witnesses,

Dr. *Nicholl* moved as an Amendment, that the following words be added:—"Where such will is wholly in the hand-writing of the testator, and it purports to apply only to the personalty, it shall be dated and signed by the testator in his own hand-writing, or if the same is not wholly in the hand-writing of the testator." To papers written, he said, wholly by the testator, and signed and dated in his own hand-writing, he would give the same effect as such documents had in other countries. He did not see why a difference should be made between the disposition of real and personal property, but what he proposed with respect to the latter might not be readily admitted in the case of the former, and he therefore, confined his Amendment to personalty. The effect of it would be, that if a will dispose of real and personal

property both, it must be attested by two witnesses; but if it disposed only of personalty, and was in the hand-writing of the testator, and signed and dated by himself, it shall be held valid. He was aware that the hon. and learned Gentleman had the recommendation of the Commission in favour of the clause; but he begged to say, that considerable doubts were entertained on the subject by individuals of high authority in the profession. The Bill required that every will and codicil should be attested by two witnesses—which, in many cases, would be attended with great inconvenience. In some instances, alterations in wills might be prevented by such a provision. It might be said, that holograph wills were liable to fraud, but not so liable as the ordinary attested wills. In his opinion no person would ever attempt to forge a holograph will. It might be easy to forge a signature, or a few words, when it would be impossible to forge lines, or pages of a document, so as to resemble the hand-writing of any individual. Holograph wills, therefore, must be more free from danger of fraud than the common attested wills. With these views he would propose his Amendment.

The *Attorney-General* said, the object of the Bill was, to remove the reproach arising from the anomalous condition of testamentary law and power at present existing. A will, conveying a trifling freehold, was not good unless attested by three witnesses, while copyhold might be conveyed by a will to which there were no witnesses, or by a will sufficient to bequeath personalty; and a will disposing of 1,000,000*l.* would be good if in the hand-writing of the testator although unsigned. There was as much danger of fraud in wills conveying personal as in those conveying real property, and each species of property required to be guarded alike. The clause as it stood declared that every will should be in writing, and signed by the testator in the presence of two witnesses at one time, who shall subscribe their names in his presence. To the clause, the hon. and learned Gentleman offered no opposition, but he proposed, in addition, to allow a holograph will to stand valid, if signed and dated in the hand-writing of the testator. He could not consent to this proposition. It might appear a hardship upon a testator to oblige him to employ a professional man, and to call in two or three of his

neighbours to attest his will; but this was the best practice, and holograph wills, such as the hon. and learned Gentleman proposed, ought not to be allowed to stand. The learned Civilian admitted that, as regarded real property, they could not allow of holograph wills; and he did not see why a rule which could not be applied to realty, should be adopted in the case of personalty. Doubts sometimes arose whether property of a certain description was real or personal; and if a testator should by mistake dispose of real property, thinking, at the time, that he was merely bequeathing personal property the will would be void, in the event of the learned Civilian's Amendment becoming embodied in the will. Some danger and confusion, then, would by the hon. and learned Gentleman's proposition be introduced. If holograph wills were allowed at all, they ought to be allowed in every case; but for this the hon. and learned Gentleman did not at present contend. Men ought not in his opinion to make their own wills, but should have the assistance of professional men. A clearer and calmer disposition of property would be effected in this way. Upon the whole he thought that they ought not to render wills valid unless duly signed and attested.

Mr. *Cutlar Fergusson* thought, that a holograph paper, duly signed and dated by the testator was a more solemn act than any will which could be drawn by professional men. Such documents too afforded little room for fraud; and he had never heard of a holograph forgery. It was clearly much easier to forge a single signature than an entire instrument, which was in favour of holograph wills. Exclusively of this consideration, a holograph was the authentic will of the testator, not dictated by others. He approved therefore of giving validity to holographs.

Dr. *Lushington* said, that as he understood the Amendment of his learned Friend, (Dr. Nicholl) it was, to recognize the validity of a will, signed and dated by the testator himself, in his own hand writing, purporting to be his own words; and that such Bill, should be valid, and of full effect. He objected to it, inasmuch as it created a distinction, with respect to the disposition by will of real and personal estates, which had no foundation whatever. He objected also to the words in his hon. and learned Friend's Amendment—"purporting to bequeath personal estate," for

in respect to any sort of property, if any doubt arose, as to the nature of the property, the will would be, to all intents and purposes, void. If there was any one act of life which ought to be done with more solemnity and deliberation, than another, it was the making of a will: but, the necessary consequence of a man's making his own will, would be that, while supposing as he thought that he was disposing of his property in a certain way, he would be doing no such thing. On all those grounds, then, he opposed the Amendment.

Mr. *O'Connell* said some alteration must take place, the clause gave only the same power in both kinds of property: it simplified the case, as it respected real property, and established that which related to personal, and on these accounts was very advantageous: learned Members wished to facilitate the making of wills: he did not. A man was called upon to make a will, just at the time when he was least able, and most liable to undue influence. He thought, therefore, the clause as it then stood, was an excellent one, as simplifying the process and diminishing the number of wills.

The remaining clauses of the Bill were agreed to, and the House resumed.

SEAMEN ENLISTMENT BILL.] Sir *James Graham* moved the second reading of the Seamen Enlistment Bill. He was aware that it was the intention of the hon. Member for Sheffield to take the sense of the House upon one point of the Measure; but as that hon. Gentleman had determined to postpone the Motion to that effect, of which he had given notice, until another stage of the Bill, he (Sir James Graham) was sure that the House would agree with him in the propriety of postponing any observations on the subject until that stage.

Mr. *Wallace* objected to the principle of the Bill altogether. He could never consent to the sanction of that House being given to the clause, declaring that Impressment was part of the law of the land. It was a practice to which no class whatever of his Majesty's subjects should be liable; but if any one class were to be liable to it, all classes should be so. He was persuaded that in the event of a war, it would be impossible to enforce Impressment, without the occurrence of scenes which it made the blood curdle to think

of. The sentiments which he felt and expressed on this subject, were in strict conformity to those of his constituents.

Mr. *Buckingham* observed that he had given notice of an Amendment on the second reading of the Bill, but it had since occurred to him that it would come with more propriety at another stage of the Measure. He entirely agreed with the honourable Member who had just spoken; and he would now give notice that on the Motion for the Bill's going into the Committee he would move that it be an instruction to the Committee to omit all that part of the Bill which gave any legal power to the Crown to enforce the practice of Impressment against any class of his Majesty's subjects.

The Bill read a second time.

HOUSE OF LORDS,

Thursday, May 21, 1835.

MINUTES.] Petitions presented. By the Marquess of *Bute*, and Viscount *Melbourne*, from the Island of *Eday*, from *St. Andrew's*, *Orkney*, and other Places,—for a Grant to the Scotch Church; and by Lord *Ellenborough*, from *Cathelham*, for an Inquiry into the Oaths taken by Catholic Members of Parliament.

IRELAND.] The Marquess of *London-derry* gave notice that, on Tuesday next, he should present a Petition, with which he had long since been charged, from 50,000 Protestants of the north of Ireland. He stated this, that noble Lords who had been or were connected with that country might have an opportunity of expressing their sentiments on the subject of this most important petition, and also because he hoped that on that occasion they should have an explanation from the noble Earl, now Lord-lieutenant of Ireland, made through the noble Viscount opposite, on the subject of that disgraceful procession which had lately occurred in Dublin, and also that they should be informed whether the noble Earl had taken any, and what steps, to prevent such scenes for the future.

Viscount *Melbourne* could have no objection to the noble Marquess's presenting the petition; but considering that it had been voted above six months ago, he must say, that it might have been presented before now. As to the procession alluded to, he was ready to give an explanation now; and that explanation was, that he did not believe that anything had occurred on that occasion in the slightest degree of an illegal nature, or at all fit to be made the subject of those at ions which had been made upon it.

There was a good deal of enthusiasm and a good deal of excitement, from the congregation of people, on this occasion of welcoming a popular nobleman on his coming to take on himself the office of Lord-lieutenant. The flags and banners had been entirely overstated; and as far as he could learn, there was nothing whatever, in the slightest possible degree, that could be called illegal, nor anything that exceeded the limits that must be allowed to the expression of popular feeling on all such occasions.

The Marquess of *Londonderry* was not prepared to retract what he had been informed on the subject of the banners and flags displayed at the procession.

The Earl of *Wicklow* said, that the noble Viscount having stated that there was nothing of an illegal nature in the procession, their Lordships were bound to believe the fact until evidence to a contrary effect was produced. But if it was true, as was now stated, that there were no proceedings of an illegal nature, then he must say that greater falsehoods or more gross fabrications had never issued from the press of any country than had issued from the press of Ireland on this subject, and not only from the press of Ireland, but of this country. If the statements made were not true, it was a case of most extraordinary fabrication. But the noble Viscount having stated, that there was no ground for the representations that had been made, they were bound to wait till evidence was produced before that House by some noble Lord, or by some other witness who had seen what was now denied. He should say no more of that, but he would take that opportunity of trespassing one moment on their Lordships' indulgence, which he was sure they would forgive him for doing when they knew that his object was to do justice to an individual (Mr. O'Loughlen, the Solicitor-General for Ireland) who considered himself to have been aggrieved by statements made in that House. At the time that he (the Earl of *Wicklow*) made the statements, he declared that he had no authority for them but that which he saw in the public prints. He had stated, that the individual in question had been present at a public meeting, and had heard a toast—the repeal of the Union—drunk, without any expression of disapprobation. He had said, that he made these statements from the newspapers; he believed them, as they had not been contradicted. He had this day received a letter from that gentleman, stating that he felt much hurt at the publicity that he (Lord

Wicklow) had given to the charge; that he considered it as a grave charge brought against him; and that he asserted that there was not the slightest foundation for it; that he had not attended any such meeting, and that no such toast had been drunk.—The whole tenor of his letter showed that he did not approve of the Repeal. It gave him pleasure to see this. The gentleman who wrote this letter made two mistakes. In the first place, that gentleman conceived that he had first given publicity to the statement, and then he conceived that a charge was made against him. He had not first given publicity to that statement. It had first appeared in the Irish newspapers; and then in a paper of the greatest circulation, and certainly the best conducted in this country—he meant *The Times* newspaper. The learned Gentleman thought that the statement contained a charge against him. In his opinion it was no such thing. On the contrary he should say, that if the Gentleman was friendly to the Repeal of the Union, it would be a gross charge against him to say that he concealed that fact. If there had been any charge against any one, it would have been a charge against the Government for appointing a gentleman with such opinions to an official situation; but he was exceedingly happy to find that the whole circumstance was without foundation—that there was no charge against anybody; and it gratified him to find that the individual who had thus been placed in power and trust, was not connected with the party with which he had been supposed to be connected.

EDUCATION.] Lord Brougham spoke to the following effect.

My Lords,* In conformity with the notice which I gave some time ago, I now rise to submit certain Resolutions to your Lordships, on a subject the importance of which but one universal opinion confesses, although there may prevail a difference of sentiment regarding the course fittest to be pursued for attaining the end which all have alike in view. In calling the attention of the House to a matter of such deep and universal interest—both to the governors and the governed, of this and every other country—I feel that I need hardly preface my observations with any apology, or bespeak your attention to a topic so nearly affecting the welfare, and, indeed, the

safety of the community at large. I have the misfortune it is true—and I have always felt it a misfortune—to differ from a large, at least a decided, majority of those whom I have the honour of addressing, in political principles, and in the feelings which these engender. Upon most things connected with the management of public affairs, I entertain my own conscientious opinions, which are the same I have ever held and ever acted upon. Your Lordships entertain your own, and will allow me to keep by mine, as I find no fault with you for retaining yours; but I certainly do feel, that whoever, standing in this position—whether as a Peer of Parliament, or as a Member of the other Assembly—undertakes to bring forward a subject like the present, has a difficult task imposed upon him. He makes himself the advocate of measures which ought to be kept free from all admixture of party feeling—apart from all the disturbing forces of political animosity—measures in which as all parties have the same stake, so none ought to interfere with any other view, but to consider their merits upon the most enlarged principles, and with the most inflexible resolution to consult only the true interests of the country.

Why, then, it may be asked, am I apprehensive of this great and common cause suffering in my hands from party dissensions? It is because I fear lest some of your Lordships may think more of the advocate than of the question—more of his politics, than of its merits. I know there are those who will not listen so readily to the claims of any subject, as they will consider the character and the habits—I mean the political character and habits—of him who introduces it. I know that there be those who are rather moved by the wrongs (if I may speak the language of my profession), the wrongs of persons, than by the rights of things; and unless your Lordships shall be convinced that this subject of popular education is, in itself, worthy your serious attention—unless I can make you fully aware of all its details, so as to conciliate your favour towards the things required for its full establishment—I may be doing mischief to that cause, the progress of which it has been the great object of my life to advance. Yet assuredly the situation in which I here stand, is nothing less than novel to me. I have never stood, at any period of my public life, either in this or the other House of Parliament, otherwise than as the Member of a minority,

* Republished from a Corrected Report.

generally a minority inconsiderable in numerical force. I have always had a preponderating, often an overpowering majority of my fellow-members opposed to me in either House, even while a Minister of the Crown; nor was it until I had left the Commons, that my colleagues knew what it was to sway the voices of that Assembly, while I only exchanged an adverse majority of Commoners for a hostile majority of Peers. Yet it has been my good fortune to succeed in obtaining the assent of both Houses to many measures of paramount importance, at first propounded to unwilling audiences, rudely crossed by the influence of some, coldly supported by the flagging zeal of others, persevered in with the aid of the country, and backed by the force of reason, till in time the feeble minority swelled into an all but the unanimous voice of Parliament, as of the people. These recollections encourage me now to face the preponderance of my political adversaries, and give me hopes of a like success in my present endeavours.

Having detained your Lordships for a few moments with adverting to what I deemed not unimportant, I shall now come at once to the details of the subject which I wish to press upon the attention of the House. I shall first of all explain why I deem it to be inexpedient to bring forward for the consideration of Parliament, that which many of the warmest friends of Universal Education, with the best intentions, (though I think through mistaken views), are partial to; I mean a General Bill for the establishment of parish schools at the public expense, and under public regulation. I am very decidedly against any such measure, and I shall now shortly explain why I am against it. But as the opinion to which I now refer is entertained, though by a most respectable, yet not by a numerous class of persons, I should not feel justified in entering upon details to show why I differ from them, were it not that at one and the same time I shall be laying before your Lordships the present state of popular education in this country.

In the year 1818, the labours of the Education Committee of the House of Commons—labours to which no man can attach too high a value—were made the subject of great controversy—a controversy as fierce and uncompromising as almost any that ever prevailed—and to which I only now refer as affording another reason for the hope I so fondly cherish, that though now, perhaps, in a minority upon this, as

upon many other questions here debated, I yet may ultimately find myself with scarcely an antagonist. That bitter controversy is at an end—the heats which it kindled are extinguished—the matter that engendered those heats, finds equal acceptance with all parties. Those are now still, or assenting, or even supporting me, who then taught that I was sowing broadcast the seeds of revolution, and who scrupled not to accuse me as aiming at the “dictatorship,” by undermining the foundations of all property; those who once held that the Education Committee was pulling down the Church, by pulling down the Universities and the great schools—that my only design could be to raise some strange edifice of power upon the ruins of all our institutions, Ecclesiastical and Civil—have long ceased to utter even a whisper against whatever was then accomplished, and have become my active coadjutors almost ever since. Nay, the very history of that fierce contention is forgotten. There are few who now are aware of a controversy having ever existed, which a few years back agitated all men all over the country; and the measures I then propounded, among revilings and execrations, have long since become the law of the land. I doubt whether, at this moment, there are above some half-dozen of your Lordships who recollect anything about a warfare which, for months, raged with unabated fury both within the walls of the Universities and without—which seemed to absorb all mens’ attention, and to make one class apprehend the utter destruction of our political system, while it filled others with alarm lest a stop should be put to the advancement of the human mind. That all these violent animosities should have passed away, and all these alarms be now sunk in oblivion, affords a memorable instance of those strange aberrations—I will not say of public opinion, but—of party feeling, in which the history of controversy so largely abounds. I have chiefly dwelt upon it to show why I again trust that I may outlive the storms which still are gathering round those who devote themselves rather to the improvement of their fellow-creatures than the service of a faction.

In those days then, the education Committee, by inquiries instituted respecting all the parishes of this island, obtained a full account of the means of instruction existing in each. The result of the whole was, as regarded England and Wales, that independent of Sunday-schools—which for the

present I shall lay on one side—there were of day-schools, endowed and unendowed, about 18,500, actually educating, during six days in the week, 644,000 children—that of this number 166,000 were educated at endowed schools, and 478,000 at unendowed schools, schools supported entirely by voluntary contributions, or by the payments received from scholars. The number of endowed schools, was somewhat above 4,100—of unendowed, about 14,300. The former number of endowed schools, and their scholars, is of course nearly fixed—the latter of unendowed, is that which varies from time to time; therefore take only the variable number of 478,000, those educated at unendowed day-schools, and then consider what progress has been made in them since 1818; a progress partly owing to the exertions of private benevolence, but in part, too, achieved by the exertions of the poorer classes themselves; for it is a circumstance on which I dwell with the greatest pride and pleasure, that of the 478,000 taught in unendowed schools, 310,000 paid for their tuition, and 168,000 only were free scholars; and even taking in the unendowed schools, of the whole 644,000 taught, 320,000, or one-half of the whole, paid for their schooling.

Now, when I said I should lay on one side the education in Sunday-schools, it was not from undervaluing those excellent institutions, or because the details relating to them are unimportant, but because of the limited nature of that kind of education, and the necessarily inferior advantages which alone it can bestow; for while one day in the week is very little towards the purposes of instruction, it is still less towards the benefits—the far more important benefits of moral discipline. It is evidently not merely the teaching of reading writing, and ciphering, that profits the child: the regular school attendance is far more material for its improvement. Six days in the week, at six hours in the day, is a vast advantage in this training; but a single day, for three or four hours, although the child being kept out of harm's way may be something, is yet, comparatively speaking, insignificant as moral training,—as forming the invaluable habits of order, industry, and good behaviour. I desire it to be understood that I say nothing against Sunday-schools, or against those excellent individuals who patronize them, and who devote so much of the day of rest to teaching in them. It is not because I value them less—but because I prize the others more

—those schools in which the whole time of the children is spent under the master's eye—that I have said nothing of the numbers taught on Sundays. There is, indeed, another reason for keeping those numbers out of our calculation; we have no means of knowing what proportion of the children attend the Sunday-schools alone, and how many attend both the Sunday and the day schools. Thus, there were, in 1818, as I have already said, 644,000 children attending day-schools, and 452,000 was the number of children attending the 5,100 Sunday-schools; but those two sums must not be added together, by way of finding how many children, in the whole, received any instruction. I believe that at least three-fourths, if not four-fifths, of the one class belong also to the other. I have, therefore, thought it better, for these reasons, to institute the comparison between the present and the former amount of Education, by attending only to that which forms its great branch—the number of children attending day-schools.

Let us, then, see whether the number of 478,000 children, attending unendowed day-schools in 1818, has increased, or remained stationary, or fallen off. Ten years after the dissolution of the Education Committee—that is, in 1828—a great measure was carried in the other House of Parliament, chiefly by the exertions of a noble Friend of mine, Lord John Russell: I mean the repeal of the Test and Corporation Acts. As the invidious distinctions which those laws formerly created between Churchmen and Sectarians, had chiefly prevented their cordially co-operating together for planting schools, this appeared to me a favourable moment for bringing them into one plan of exertion, and for calling on them all to aid in the great work of education. Preparatory to any such attempt, I took the liberty of addressing 700 or 800 circulars to the clergymen of as many different parishes. I had no authority to do so; but trusting to their courtesy, and recollecting the good will with which the working-clergy had helped my inquiries in 1818, I asked for an answer to the queries contained in those circulars, respecting the state of education among their several flocks. I received answers to 487, which was one-twenty-first part of the parishes of England. That must be admitted to be a small number, comparatively; but still it appeared to me sufficient to ground a calculation upon. I had taken the parishes indifferently, so many in each county; and I

had taken them at random, but from three classes—large parishes, middling parishes, and small parishes; and I had also taken them indiscriminately, from town and country, and from towns of different sizes, and I conceived that the answers given to these 487 circulars would lay a sufficient ground for drawing a conclusion, and forming an average for the whole kingdom. The result was this:—I found that there had been 50,000 children educated in those 487 parishes in 1818, according to the accurate tables then formed by the Committee, and given in the digest; while the number in 1828 amounted to 105,000, or five per cent (on the larger number), more than double. So that, if that calculation were correct, the number of children educated in unendowed schools had considerably more than doubled during those ten years. When I stated from this calculation, my confident belief that the whole number of children educated in England had increased in the same proportion; so that, where there had been 478,000, there ought now to be between 1,000,000 and 1,100,000, I spoke in the confident expectation that the Returns for the whole parishes of England and Wales would amply prove my calculation to be correct. But I cannot help pausing for a moment, to add, that I entertained this opinion, not alone, certainly, but in company with only a few of those with whom I acted. There was a great and almost universal outcry against the correctness of the reasoning and the sufficiency of the data, and reverend clergymen, and learned professors, and expert calculators—but not experienced men—were loud in their objections. For it was said, that the number of parishes from which I have received answers was but a small proportion of the 11,400 parishes in the whole country; and that, in the remaining 10,900 parishes, there was no reason why education might not have remained stationary, or have gone back. It was in vain I urged that these parishes, thus taken at random, would furnish something like an average for the whole;—in vain I foretold that, if the whole returns were made, my calculations would prove correct,—nay, that they must prove correct, unless a miracle had been wrought to effect, what nothing else could accomplish, the progression of education in 487 parishes taken at random, while all was stationary, or retrograde movement, in all the others. Well, the motion of a noble and esteemed Friend of mine in the other House of Par-

liament, Lord Kerry, has now produced those fuller Returns; they have been classed and digested in great part; and I am now in a condition to show—not upon 487 parishes, but upon the whole parishes of thirty-three counties, alphabetically, from Bedfordshire to Suffolk inclusive, containing 10,110,000 souls, and, consequently, greatly more than two-thirds of the whole country—that my computation was perfectly accurate, and that I had framed it on sufficient data. I shall not trouble your Lordships with the figures in detail, but give the results at once; and you will then see how far my prediction is verified. In those thirty-three counties, which include Lancashire and Middlesex—two counties containing a population of about 2,700,000, but the whole thirty-three containing 10,110,000, the results are, indeed, most satisfactory. Assuming, as we most clearly may, that the rest of the country has now the same proportion of scholars, and schools, the result is, that, instead of the 478,000 attending the unendowed day-schools in the year 1818, having increased as I had anticipated to above 1,000,000, they have increased to 1,144,000, and the number of schools is increased from 14,000 to 31,000. This is not only not under my calculation, but is considerably above it; and the excess is owing plainly to the progress made since 1828.

I shall not detain your Lordships further on this point, than to observe, that the great increase on the unendowed schools and scholars has not been attended with a corresponding increase in the children receiving instruction at the endowed schools. On the contrary, these have fallen off in numbers, from 166,000 to 150,000; a fact which—considering the introduction of the new method, the Bell and Lancaster plan, into many of those foundations—gives rise to serious reflections. Such, however, is the present amount of daily instruction. In all kinds of schools, it is given to about 1,800,000 children, without any interposition of the Government or public authorities. And surely this leads to the irresistible conclusion that, where we have such a number of schools and such means of education furnished by the parents themselves from their own earnings, and by the contributions of well-disposed individuals in aid of those whose earnings are insufficient, it behoves us to take the greatest care how we interfere with a system which prospers so well of itself; to think well and long and anxiously, and with all circum-

spection and all foresight, before we thrust our hands into a machinery which is now in such a steady, constant, and rapid movement; for if we do so in the least degree incautiously, we may occasion ourselves no little mischief, and may stop that movement which it is our wish to accelerate. I know well the difficulties of maintaining the continuance of subscriptions first begun on occasions of public spirit excited, and beneficent zeal aroused. I know well—as do all men who have bestirred themselves, how little soever, with the purpose of benefiting their fellow citizens—that nothing can be more perilous than to give contributors an opportunity of saying, what some will feel and others will be ready to urge—“We need not subscribe any more, for the Government, or the county, or the parish has stepped in to educate the people, and will now maintain our institution.” Let the tax-gatherer, or the county-assessor, or the parish collector, but once go his rounds for a school-rate, and I will answer for it, that voluntary assistance of men in themselves benevolent, and indeed munificent, instead of increasing, will soon vanish away; that the 1,144,000 now educated at unendowed schools will speedily fall down to almost nothing; and that the adoption of such a fatal and heedless course will sweep away those establishments which, at present, reflect so much honour on the community, which do so much good, and are calculated, with judicious management, to do so much more. Add to this, that in many parts of the country—and those the very districts where the people want instruction most—they are by no means anxious for it, nor very eager to send their children to school. Those persons who found and support schools, are of infinite use in encouraging the poor to benefit by their exertions; and all this useful engine of improvement would be destroyed, if the affair of education once were made a parish concern.

I need not dwell longer on this point. The error has arisen from only regarding the Scotch Parish-school Law, which having worked so well in one country, is expected to produce as good effects here. But a century and a-half ago, when there was hardly a school in Scotland, it was of incalculable importance to plant one in each parish, because this occasioned many others to be voluntarily established, and could interfere with no individual exertions then making, and no schools already established. Who does not see that this is not

the case of England at the present day—when we have already nearly as many schools and children taught in proportion to the population, without any compulsory provision, as Scotland had, in 1818, after the Act of William and Mary had been in operation 130 years?

The ground of the Education Committee, in 1818, favouring the establishment of parish-schools by law, was the apprehension that the means of instruction afforded by voluntary contribution might prove occasional and temporary—that there was still a great deficiency—and that, instead of this being supplied, the existing schools might be suffered to decay. The experience of the ten years next ensuing, and of the six which followed those latter years, appears sufficiently decisive to remove such an apprehension; and we have now a right to conclude against any general interference of the Legislature, until the efforts of individuals shall be found insufficient, and the seminaries which they have established shall be seen going to decay.

While, however, I am (upon the grounds which I have stated) clearly of opinion that no general measure of interference should be adopted, I am very far from saying, that nothing yet remains for the Government to do. We are remote indeed from the condition in which we can say that every thing is as well as possible for public instruction—that all is on the best footing in those schools,—that there is a sufficient supply of them,—and that the Legislature and the Government have no duty to perform in connexion with the most important of all important subjects. When I look to the state of the schools, as compared with the constantly-changing condition of society, and survey the sort of instruction they communicate, I find them to be defective in very many essential particulars; and to these defects I shall now shortly address the attention of your Lordships; for on the due consideration of them must be grounded whatever aid is to flow from legislation; because, from an examination of them, alone, it is, that we can hope to discover the quarters in which parliamentary interposition is either requisite or safe.

I say then, first, that the schools are still too few in number; secondly, that they are confined to children of an age too advanced; and, lastly, that they give a kind of instruction exceedingly scanty and imperfect. I am prepared to demonstrate these three propositions by facts which are within the knowledge of many of your Lordships, and

would be known to you all, if you deemed the subject of sufficient importance to fix your attention.

First, I am to show that the schools, numerous as they are, and much as their numbers have of late increased, and greatly multiplied as have been the scholars who attend them, nevertheless are still insufficient for the education of the whole of the people of this country, and for communicating to them even the small degree of knowledge which they profess at present to teach. It is a fact, and it is one of importance to bear in mind, that if you take the children of any country between seven and twelve years of age, they amount to between 10 and 11 per cent. of the whole population. If that be so, it is demonstrable that the average of instruction of the people of England, at the present moment, is still defective. The whole population of England and Wales amounts to 13,894,000. Of this large population, there is not a ninth* instructed, as the proportion requires;—no, nor a tenth part neither, for a ninth is 1,543,700; a tenth is 1,389,400, and there is only 1,294,000, or very little more than one-eleventh; and this number of 1,294,000 includes 65,000 infants under the age to which my proportion applies; so that it is in truth only 12,290,000 that are provided for, being only between one-eleventh and one-twelfth, and leaving a deficiency of above 300,000, as regards the ages between seven and eleven or twelve; that, indeed, is not the age to which, in my opinion, you should alone look; but I am now calling the attention of your Lordships to the inadequacy of the present provision, even for accomplishing its professed purpose of teaching a little knowledge to children out of the infant state. The whole amount of this kind of Education I have stated as given to not much more than one-twelfth of the population. But this is the average, and unfortunately it is unequally distributed, being most abundant in places where it is least wanted, and where it is most required, least liberally afforded. The average of all England and Wales we shall say is one in twelve; but what is the proportion in certain counties? Why, one-thirteenth,

one-fourteenth, and one-fifteenth. And which are those counties, I would ask, where Education is the least expanded? They are Middlesex and the County Palatine of Lancaster; and I believe, though I have not the returns, I may add Surrey. Of Middlesex and Lancaster, however, I can speak with certainty, that the proportion is little more than one-fifteenth, being in each a deficiency of near 60,000 children, and these are the two counties in all England in which the importance of Education is the greatest; so that the provision for instruction is scanty, exactly in proportion as the circumstances of the people require that it should be abundant. For I ask, whether the metropolitan and the great manufacturing counties are not those which every consideration of public policy and of public morals (if things which are one and the same must be spoken of as distinct) prompts us to instruct most liberally—to fill with the means of education—to stud over with schools? Nor is this inequality of distribution confined to provinces; it pervades districts also. In those populous counties, with their large towns, the general proportion is little above one-fifteenth. But if this average were equally divided between the town and country population, the evil would be less. Unfortunately such is not the case, for in some of the great cities, as London, Westminster, Southwark, and the manufacturing emporia of the north, the average, instead of being a fourteenth, or even a fifteenth, sinks down to an eighteenth or nineteenth. Thus the average for all Lancashire being between one-fourteenth and one-fifteenth, in the two parishes of Ulverstone and Cartmel, where there are about 12,000 inhabitants, it is one-eighth, and in Manchester and Salford, where 182,000 people dwell, it is about one-eighteenth only, so that there is in that great town a want of schools for 10,000 children. In 1818, the average for all England was one-fifteenth; but for Lancashire it was only one twenty-fourth; and for Middlesex one-twentieth. At present Lancashire presents a proportion of one-fourteenth and a half, and Middlesex about one-fifteenth, so that the latter county manifests a greater degree of improvement than the former.

Now, my Lords, what is the melancholy result of this statement? It is neither more nor less than this,—that in the great towns of England there is still so considerable a deficiency in the means of elementary instruction provided, whether as re-

* The expression of schools for one-ninth of the population means this—That proportion of the whole people denotes the children of certain ages. Thus in a million of people there may be about 110,000 children between seven and twelve years old—that number, or one-ninth of the population, therefore requires schools, in order that all may be taught.

gards endowed schools, or schools supported by voluntary contributions and private exertions, that in those places where it is most important to have the people instructed, there are nearly one-half of the children of the poor destitute of all means of education. I shall call upon your Lordships, therefore, with the view of remedying this great evil, to adopt the principle sanctioned by the Report of the Education Committee of 1818. I am of opinion that the only safe course which we can take for supplying the lamentable deficiency which I have described, is to furnish the great towns with the funds now wanting, and to apply this public aid so as not to interfere with the exertions of individual zeal, or cut off the supplies of private munificence. This is to be done, in my opinion, by acting upon the principle recommended in the Second Report of that Committee. The obvious course is, to plant the school, or rather to overcome the difficulty which generally prevents schools from being commenced—the want of an outfit for providing a building. I would by no means say to the people of Oldham, for instance, in Lancashire, or of Marylebone in Middlesex,—“Here is a sum of 200*l.* a-year, or 150*l.* a-year, to pay a schoolmaster or schoolmistress;” for that would have the effect of preventing many persons from subscribing annually, and it would especially disincline the poor to spare something for quarter-pence,—an exertion, on their part, of admirable use, as it not only preserves their independence, but makes them prize far more the instruction which they pay for. But the great difficulty of establishing schools is connected with the first cost—the building or buying a school-house. Let us, then, start the establishment, overcome the first difficulty, and meet individuals half-way who are anxious for the spread of education. Do not even say—“Here are 500*l.* for this object;” but proceed on this principle—“If you will subscribe so much, we will subscribe the rest;” and you will, by these means, instead of repelling voluntary assistance, invite individuals to come forward in the cause. Such was the principle acted upon by the Church Building Commission, as tending to encourage, rather than to repress, the exertions of the community. It was also adopted by the Government in distributing the grants of 20,000*l.* voted by the House of Commons in the years 1833 and 1834; and I am happy to say, that the manner in which it was bestowed has pro-

duced all the results expected by the promoters of the plan, which was, indeed, only acting upon the Education Committee's Report in 1818. The establishment of hundreds of schools, and the contribution of thousands of pounds, for the furtherance of education, has been the happy result; and but for the aid, the somewhat scanty aid, thus afforded, those sums would never have been devoted to this great national object, and those schools never would have existed.

But I come now to the second ground of complaint against the schools established throughout the country. My next proposition is—that they are only open to children too far advanced in years. I consider the establishment of infant schools one of the most important improvements—I was going to say in the education, but I ought rather to say in the civil polity of this country—that have for centuries been made. I believe no one who has had an opportunity of observing those institutions, will feel the least hesitation in assenting to this opinion, and in confessing how desirable it is that the system should be generally adopted. But I wish now particularly to call the attention of the House to the reasons of fact, on which alone the usefulness of infant education is established. I assert, that we begin much too late in the education of children. We take for granted that they can learn little or nothing under six or seven years old, and we thus lose the very best season of life for instruction. Whoever knows the habits of children at an earlier age than that of six or seven—the age at which they generally attend the infant schools—whoever understands their tempers, their habits, their feelings, and their talents,—is well aware of their capacity of receiving instruction, long before the age of six. The child is at three and four, and even partially at two and under, perfectly capable of receiving that sort of knowledge which forms the basis of all education; but the observer of children, the student of the human mind, has learnt only half his lesson, if his experience has not taught him something more: it is not enough to say that a child can learn a great deal before the age of six years; the truth is, that he can learn, and does learn, a great deal more before that age than all he ever learns or can learn in all his after life. His attention is more easily roused in a new world—it is more vivid in a fresh existence—it is excited with less effort, and it engraves ideas deeper in the mind. His memory is more retentive in the same

proportion in which his attention is more vigorous; bad habits are not yet formed, nor is his judgment warped by unfair bias; good habits may easily be acquired, and the pain of learning be almost destroyed; a state of listless indifference has not begun to poison all joy, nor has indolence paralyzed his powers, or bad passions quenched or perverted useful desires. He is all activity, inquiry, exertion, motion; he is eminently a curious and a learning animal; and this is the common nature of all children, not merely of clever and lively ones, but of all who are endowed with ordinary intelligence, and who in a few years become, through neglect, the stupid boys and dull men we see.

The child, when he first comes into the world, may care very little for what is passing around him, although he is, of necessity, always learning something even at the first; but, after a certain period, he is in a rapid progress of instruction; his curiosity becomes irrepressible; the thirst for knowledge is predominating in his mind, and it is as universal as insatiable. During the period between the ages of eighteen months or two years and six—I will even say, and five—he learns much more of the material world, of his own powers, of the nature of other bodies, even of his mind and of other minds, than he ever after acquires during all the years of boyhood, youth, and manhood. Every child, even of the most ordinary capacity, learns more, acquires a greater mass of knowledge, and of a more useful kind, at this tender age, than the greatest philosopher is enabled to build upon it during the longest life of the most successful investigation, even were he to live to eighty years of age, and pursue the splendid career of a Newton or a La Place. The knowledge which the infant stores up—the ideas which are generated in his mind—are so important, that if we could suppose them to be afterwards obliterated, all the learning of a senior wrangler at Cambridge, or a first-class man at Oxford, would be as nothing to it, and would literally not enable its victim to prolong his existence for a week. This being altogether undeniable, how is it that so much is learnt at this tender age? Not certainly by teaching, or by any pains taken to help the newly-arrived guest of this world. It is almost all accomplished by his own exertions—by the irrepressible curiosity—the thirst for knowledge only to be appeased by learning, or by the fatigues and the sleep which it superinduces. It is

all effected by the instinctive spirit of inquiry which brings his mind into a perpetual course of induction, engages him in a series of experiments, which begins when he awakes in the morning, and only ends when he falls asleep. All that he learns during those years he learns not only without pain, but with an intense delight—a relish keener than any appetite known at our jaded and listless age—and learns in one-tenth of the time which, in after life, would be required for its acquisition.

Now, while the faculties continue so acute, and the curiosity so keen, much more might be learnt, especially after the second or third years, and all this invaluable time is now thrown away; nay, even during those earlier years—the second and third—while he is, as it were, by accident, acquiring his knowledge of external objects, he might also be receiving lessons of an important description, which would never be effaced from his memory, even to the last hour of his life. But so might he certainly in the fourth and fifth year, and after his first knowledge of external objects is completed. All these years—these most precious years—are thrown away; nor is this the only or the worst consequence of that time being lost; for if much that might be learnt is thus lost for ever, much that is pernicious is assuredly imbibed. While good habits, which might be implanted, are not formed, evil ones are fixed, which half a life-time can hardly eradicate. It is really wonderful how much a child knows, at the age of seven, that he ought not to know, unless great pains have been taken to teach him better; to exclude the worst species of knowledge from his mind, and prevent the most mischievous habits from becoming a second nature to him. Listless, indolent, inattentive habits are formed before the age of seven, and the victim of curiosity becomes an indocile being. Perverse and obstinate habits are formed before the age of seven, and the mind that might have been moulded like wet clay in a plastic hand, becomes sullen, intractable, obdurate, after that age. To the inextinguishable passion for all learning, succeeds a dislike for instruction, amounting almost to disease. Gentle feelings—a kind and compassionate nature—an ingenuous, open temper—unsuspecting and seeking no cloak nor any guard—are succeeded by violence, and recklessness, and bad morals, and base fear, and concealment, and even falsehood, till he is forced to school, not only ignorant of what is good, but also well learned in

much that is bad. These are the effects of the old system, the postponed education, and the neglected tuition of infants. But the history of Infant Schools has been consolatory to the philanthropist; their manifest good effects have roused the attention of the community to the sacredness of the trust reposed in their hands—to the absolute necessity of effecting a total change in the system of Education—to the incalculable benefits derived from the infusion of useful learning, upon sound principles, into the minds of children at the docile age, and of giving them innocent pursuits and wholesome habits, while these can yet be implanted in a virgin soil.

More would really be superfluous upon the general advantages of Infant Schools. I will only add, that in France, as well as in this country, the most sanguine hopes are entertained by all parties of the benefits to be derived from their universal establishment. Our enlightened neighbours having sent over accomplished persons to learn the method, Infant Schools (called *Salles d'Asyle*) are established at Paris, and elsewhere; and, indeed, were I to point out the best I have ever seen, I should say, from the accident of a peculiarly qualified teacher having undertaken it, that the best is at Paris. The authorities of that capital are now occupied in multiplying such establishments. In this country, I think it is now about seventeen years since my noble Friend (Lord Lansdowne), and I, with some others, began the first of these seminaries, borrowing the plan, as well as the teacher, from Mr. Owen's manufactory at Lanark; and though it has been eclipsed by others to which it gave rise, especially Mr. Wilderspin's, in Spitalfields, and Mr. Wilson's, at Walthamstow, it yet has done vast good in its neighbourhood. On this I can appeal to any one of your Lordships who may like to satisfy himself of the excellence of the system. The school I allude to still flourishes in Westminster, a few hundred yards from the spot where you now are.

But, my Lords, I do not confine my panegyric of Infant Schools to the general use of early training; I have a much more precise and definite purpose in view; and when I express my meaning to your Lordships, the proposition will probably be welcomed with the same degree of respect which my calculations received in 1828 from the inexperienced persons whom I have already described. I and my coadjutors may again be described as visionaries, spe-

culatists, enthusiasts, to sum up all in one worst of words—theorists. We walked, but walked onward, among clouds of such phrases, thickly buzzing about from every corner; a little noisy, less troublesome, but offering no kind of resistance to our progress. If my opponents smiled at me, I smiled at them, so that quarrel we had none; and at length they who laughed, were first silenced, then convinced, and are now active coadjutors. And now I am again exposing myself to a repetition of the ridicule, when I state that I consider that the establishment of Infant Schools in large towns, where crime is rife, where the people are closely crowded and ignorant, and vicious as well as ignorant—that planting those schools in such haunts of men as London, Westminster, Southwark, Manchester, Birmingham, and Sheffield, would be the most simple and most efficacious preventive of crimes. It is usual to regard punishment as the means of deterring men from committing offences. I know that there are some who put their trust in the gallows for extirpating vice; that those who recoil from the idea of execution, fall back upon transportation; that those for whom the transport-ship has no charms, yet affect the Penitentiary; that those who dislike the unwholesomeness of the Penitentiary, yet cling to the treadmill, believing in the virtues of solitary confinement for two weeks, or confinement not solitary for the residue of six or twelve months. I know that various persons patronise these different punishments, that each has his reason for pressing his particular fancy, and that all flatter themselves their own favourite nostrum will be found the specific for our diseased moral condition. But this I also know, that no one ever stops to examine in what way punishment deters from crime, or asks himself if it really operates in that way at all; resting satisfied with the old received popular opinion—learned by heart and repeated by rote, without the least regard to its meaning, far less to the reasons it may rest upon—that “the example of the punishment deters from the commission of the crime,”—and so no remedy beyond punishment is ever thought of as worthy of a moment's consideration. Far, indeed, is it from my intention to say, “Abolish the criminal judges, do away with the gallows, the convict-ship, the tread-mill, and repeal your Criminal Code;” for I full well know that while the present system continues, you must have all the apparatus of penal legis-

lation. I am not, certainly, one of those who believe in the kind of adage I have mentioned—the jingle about example and deterring; but although little good arises, according to my opinion, from the infliction of punishments, yet a great deal of harm would be done by their repeal, and, therefore, I do not say, “Dispense with such inflictions;” but I do really and sincerely declare, from the result of my practical experience, and on all the principles which I have ever called to aid me in the inquiry, that the present system of punishment fails so entirely in accomplishing its object, that nothing can be less consolatory to the feelings of him who has to administer criminal justice, or him who presides over the councils required to execute it. It is almost incredible to those who have not well examined the subject, how little good can be ascribed to punishments in the way of preventing crimes. Hardened criminals may be got rid of by one infliction, banished by another, removed from society by a third; but the example of their suffering, were it far more known than it is, produces very little effect.

Having thus guarded myself from the imputation which I might have drawn upon myself, of wishing you to alter any part of the Criminal Code upon these grounds, I may proceed to state my reasons for holding the opinion which I have stated as being mine. It appears to me evident that all who have discussed this question of crime and punishment, have proceeded upon an erroneous supposition. They have all assumed that a person making up his mind about committing an offence against the law is a reasoning, provident, calculating being. They have all argued on the supposition, that a man committing a robbery on the highway, speculates, at the moment of planning his expedition, upon the chance of being hanged for it; or that a man projecting a forgery, is well aware of the punishment which awaits him, and feels a conviction that he shall suffer it. All reasoners on this subject have gone upon the assumption, that the individuals who commit crimes, calculate beforehand the consequences of their conduct, as the merchant, in his counting-house, reckons on the chances of profit and loss in his speculations; or the farmer—(if, indeed, farmers ever calculate)—on the crops, the markets, and the seasons. That is the first mistake; but there is another not less detrimental to the argument. It is equally assumed, that the individual is, at the time of making the supposed calculation, un-

biassed and free in his mind—that he considers the subject with calmness and deliberation—in short, that he is altogether in the same frame of mind in which we are ourselves, when devising the punishment for his offences; whereas, he is almost invariably under the influence of strong excitement. He has lost money at the gaming-table, and is ruined if he cannot pay it or replace it—he ought to have calculated before he went there, and he might then have reasoned; but that is not the moment to which the penal denunciations are addressed—he thinks not at all till he feels the consequences of his imprudence, and has debts to pay after his losses—has a family and a station to support in spite of them; and then comes the question, what shall he do—and then he is supposed to count the risk of detection, conviction, and punishment, if he plunges into a course which will relieve him from his pressing embarrassments. In circumstances like these, I very much doubt his calculating at all, for what fills his whole mind is his ruined condition; he feels much; he fears much; and he is disordered in his understanding, by the vehement desire to escape from the endless difficulties into which his rash imprudence has hurried him. In such a frame of spirit, he is little likely to pause and consider. But suppose him to calculate—his reckoning will not be so much of the amount of danger to be encountered by the Criminal Act, as of the utter ruin and disgrace in store for him if he be a defaulter. The truth is, that men rush on the commission of the greatest crimes, under the dominion of passions which lay their reason prostrate. The greatest of all enormities are almost invariably committed under the influence of mighty excitement. It is the madness of lust, and a rape is perpetrated—or the fury of revenge, and murder is done—or hatred wrought up to frenzy, and houses are burnt or demolished; the stings of conscience being felt after the offence, and in the calm that succeeds the tempest of passion. Even offences of a more sordid kind, those against property, and which are more connected with speculation, are planned with such a desire of obtaining the things sought after, to supply some necessity, or gratify some propensity, that in estimating the risk of detection and punishment, hardly a thought is bestowed on those dangers; so that altogether very little reliance can be placed on the deterring influence of punishments, whether seen or only heard of. But if

punishment is inefficient, I am sure that prevention is effectual. The schools which have already been established for children at the ages of seven, eight, nine, and ten, exhibit results consolatory as far as they go; but these are very ineffectual instruments of improvement compared with those which I wish to see established, where the child, at the earliest age, may be taken under the fostering care of the instructor,—where the acquisition of vicious habits may be effectually prevented, and the principles of virtue may thus early be instilled into the mind,—where the foundation may be laid for intellectual as well as moral culture,—and where, above all, the habits of prudence, industry, and self-control, may be taught at a season when lasting habits are easily acquired. If, at a very early age, a system of instruction is pursued by which a certain degree of independent feeling is created in the child's mind, while all mutinous and perverse disposition is avoided,—if this system be followed up by a constant instruction in the principles of virtue, and a corresponding advancement in intellectual pursuits,—if, during the most critical years of his life, his understanding and his feelings are accustomed only to sound principles and pure and innocent impressions,—it will become almost impossible that he should afterwards take to vicious courses, because those will be utterly alien to the whole nature of his being. It will be as difficult for him to become criminal, because as foreign from his whole habits, as it would be for one of your Lordships to go out and rob on the highway. Thus, to commence the education of youth at the tender age on which I have laid so much stress, will, I feel confident, be the sure means of guarding society against crimes. I trust every thing to habit—habit, upon which, in all ages, the lawgiver, as well as the schoolmaster, has mainly placed his reliance—habit, which makes every thing easy, and casts all difficulties upon the deviation from the wonted course. Make sobriety a habit, and intemperance will be hateful and hard,—make prudence a habit, and reckless profligacy will be as contrary to the nature of the child grown an adult, as the most atrocious crimes are to any of your Lordships. Give a child the habit of sacredly regarding truth—of carefully respecting the property of others—of scrupulously abstaining from all acts of improvidence which can involve him in distress—and he will just as little think of lying, or cheating, or stealing, or running in debt, as

of rushing into an element in which he cannot breathe.

Now, the problem we would resolve, is to find the means of preventing that class from coming into existence amongst whom the criminals that infest society are created and fostered; and to solve this problem, we must first examine of what persons that class is composed. I consider that they come almost entirely from among the poorer orders of the people, and chiefly in the large towns. My calculation, into the data of which I will not now stop to enter, is, that the persons among whom crime is generated form about one-fifth of the population in the large towns, about one-sixth in those of middle size, and about one-seventh in the smaller towns. The class to which I refer is not among the higher ranks of society, not certainly among the middle class, nor yet among those immediately below the middle classes—I mean that most respectable body of the working classes who are at once skilful, industrious, and respectable; but the persons from the body of whom criminals are produced, are a certain proportion of the mere common day-labourers, who almost, of necessity, suffer severe and constant difficulty in obtaining the means of subsistence in the present state of society, and for whose conduct every possible allowance ought in justice to be made. The question, then, is reduced to this—How shall we so deal with this body of the people as to prevent them from growing up with vicious or with improvident habits, which are the parents of vicious ones, and turn them to habits of an opposite description—such habits as will make profligacy, and improvidence, and crimes, foreign to their nature? Then, I say, that planting a sufficient number of Infant Schools for training and instructing all the children of those classes of the people, will at once solve the problem of prevention. Of this I cannot doubt, unless I disbelieve the evidence of my own senses in England and France, and deny all that I knew from the testimony of others regarding such seminaries. In any community crimes would be reduced to an inconsiderable quantity, if Infant Schools could be established, sufficient for the children of all those classes of the community to which I have alluded. The real difficulty is, indeed, inconsiderable—it only relates to providing the schools; for all those persons who have themselves been thrown into evil communication by the want of know-

ledge, and by early bad habits, have invariably, to their praise be it spoken, looked favourably upon infant tuition. I have had an opportunity, myself, of observing that portion of the community; and I am happy in being able to say that I never saw any one of them, however exceptionable might have been their own conduct, or however deficient they were in education themselves, that did not express an anxious desire to place their children where they could be better brought up than at home, and made better than themselves. Here, then, is a powerful lever to be moved by us, whenever we shall interfere in this great department of public policy. With such an object in view, and with such facilities as this good disposition in the poor affords, I cannot conceive that there will be any material difficulty in obtaining the means of planting Infant Schools, in sufficient numbers, to train the proportion of the people which I have already mentioned. The cost I know, from an accidental circumstance, to be moderate. A legacy estimated at 7,000*l.* or 8,000*l.* was some years ago left to me, on the supposition that I held certain opinions which I really did not entertain. I, of course, felt that I had no right to take it, given, as it was, under an entire misapprehension, and I destined the money to the purpose of establishing Infant Schools,—sufficient to train any of the great parishes of this metropolis,—which all the inquiries and calculations made, proved that the fund would easily do. However, the opinion of Mr. Hart being taken, and finding that I must undergo a Chancery-suit before the money could be obtained, I abandoned it altogether, by renouncing. But, in consequence of the project I had conceived, inquiries were set on foot, by which it was made manifest that for 7,000*l.* we could establish schools which would train that portion of a population of 130,000, which I suppose to furnish the criminals. If the schools were established by the Government they would probably cost a little more, because Government never can work so cheap as individuals; but I am quite satisfied, that if the wisdom of Parliament give but the inconsiderable sum of 30,000*l.* for two years, (inconsiderable compared with the millions so easily and so lavishly voted for wars and other evil purposes,) we should be able to provide for the training of the whole of London, on both sides of the river, and that the effects of it, on our criminal judicature, would very soon

become apparent, as well as on our parish expenditure. We should witness the improvement of the morals of the community, in the diminution of crimes—the improvement of its circumstance in the diminished improvidence and poverty of the people. This measure would be remedial, and preventive, and healing in a degree far surpassing all that has hitherto been attempted by the unwieldy arm of criminal jurisprudence.

I well know the consequences of the present system of punishment, and, in truth, nothing can be worse. There are in London thousands of juvenile offenders, as they are termed, and not incorrectly, for they are eight, nine, ten, and eleven years of age, and they have offended, but they are as yet beginners in villany; they are not adult criminals; they are not inured and hardened in vice; they have accidentally, occasionally as it were, violated the law;—but enclosed for a week or two in Newgate, or some other school of crimes, some receptacle for accomplished villains, the immature rogues perform their noviciate among the most finished adepts in the art, and return thoroughbred, irreclaimable profligates to that society which they had left raw and tender, delinquents. If there were Infant Schools, instead of Newgate schools, for receiving the children of the needy, a very different fate would attend those unhappy youths. Vice would be then prevented—nipped in the bud, instead of being fostered and trained up to maturity,—and more would be done to eradicate crimes, than the gallows, the convict ship, the Penitentiary, the treadmill, can accomplish, even if the prison discipline were so amended, as no longer to be the nursery of vice. That the number of Infant Schools is at present lamentably inadequate to produce any thing like such good consequences as these, needs hardly be shewn. In the thirty-three counties for which we have the Returns, there are only 2,200 such schools, with 65,000 scholars, so that instead of there being Infant Schools for about the mean proportion of one-sixtieth part of the population, there are schools for not much more than 160th part, not much above a third of the demand: and this average is very unequally distributed; for in all the most populous and manufacturing districts it is lower, Middlesex only excepted: thus in Lancashire the proportion is 1-212th, and Cheshire, 1-223rd. In the four northern counties there are hardly any Infant Schools at all,

but the other schools are much more numerous than elsewhere.

I cannot quit the subject of the connexion between ignorance and crimes, without taking notice of an objection which has been raised to my argument. It is said, "Education is increasing, but offences are multiplying still faster than schools," and so men cry out. "You do no good with all your teaching." Upon this I must first observe that the increase of crime is not evinced by the increase of prosecutions, as circumstances have operated to bring before the public of late years many violations of the law which were formerly committed, and not visited with prosecution. Those juvenile offenders are now in vast numbers prosecuted for felonies, who used before to be whipped by their parents or masters, after being taken before a magistrate. It is deemed expedient, in the great desire of criminal justice, to hurry the children off to gaol, there to be instructed in all the arts of consummate villany. Nor has any thing tended more to multiply such prosecutions than the recent alteration in the law, giving costs to the prosecutor out of the county rates. But if I am asked for proof that the connexion between vice and ignorance is intimate and apparent, I can prove it, should any one deem a proof necessary of a proposition so self-evident, by documents which leave no doubt whatever on the subject. One or two examples may suffice: 700 persons were put on their trials, in the winters of 1830 and 1831, charged with rioting and arson, and of those 700 (not all of the lowest rank of life, nor, as might be expected, of the worst offenders) how many could write and read? Only 150; all the rest were marksmen. Of the number of boys committed to Newgate, during three years, two thirds could neither read nor write. At the Refuge for the Destitute it is still worse; for from an examination there made, it appears that the number of children received, who can read with tolerable facility, is in the proportion of only one in every thirty or thirty-five. A respectable magistrate of the county of Essex, a Member of the other House of Parliament, has given evidence before a Committee of that House, and he states that nine times out of ten the persons who come before him are unable to write, and that he is obliged to take their marks instead of their signatures. With such glaring facts before us, I suppose I may be allowed to assert, that it is not mere speculation to connect ignorance with crimes.

The experience of other countries runs parallel with our own upon this important matter; and it is principally from a conviction of the truth which I have been propounding, that so general a disposition prevails among the rulers even of arbitrary governments, to promote public instruction. Indeed, the greatest exertions have been made for this purpose in those states, which have not, as yet, a free constitution. France, I am sorry to say, admirable as her present efforts are, must be reckoned amongst the lowest in point of actual amount of instruction, excepting, of course, Russia and Turkey, the former of which is hardly within the pale of European society—the latter, certainly without it. As late as 1817, the proportion all over the French territory was one in thirty-five,* while with us it was one in fifteen of the population. But this disgraceful state of things roused the noble spirit of that generous people;—philanthropic societies were everywhere formed—the Government lent its aid in founding schools, and in the space of only two years, the proportion was reduced to one in twenty-eight; so that schools must in those two years have been planted for no less than 215,000 children. Since that time, and under the present Constitutional Government especially, the progress has been rapid, and parochial instruction is now a branch of the law of the land. In Holland, it appears from the report of the celebrated Cuvier, that as early as 1812 there were schools sufficient for the education of 190,000 children, and that the proportion was one in ten, being equal to Scotland nearly. In Wurtemberg schools are required by law to be supported in every parish out of the Church funds. In Denmark, Bavaria, and Saxony, they are supported by a parish-rate; and even in Russia, which I said was almost out of the European pale, so sensible is the Autocratic Government that it is necessary to educate the people, at least in towns, that the public funds maintain schools in all the town parishes. Sweden is, perhaps, the best educated country in the world, for it is there difficult to find one person in a thousand who cannot read and write. The accounts from those countries show that the progress of education, but especially of infant tuition, has been attended with marked

* That is, as before explained, there were schools not for one-ninth of the people, or for all children between seven and twelve; but only for one-thirty-fifth, or for one-fourth part of the children that require schooling.

improvement in morals; and it is well known that in Spain, the worst educated country in Western Europe, tenfold more crimes are committed of a violent description, than in Germany, England, and France. The opinions of the jurists and statistical writers in Prussia are strongly pronounced upon this subject; and I need not dwell upon what all your Lordships know, the regular system of even compulsory education which prevails both there and in some parts of Switzerland.

But the third proposition which I undertook to demonstrate, relates to the kind of education given at our present schools. Not only are those establishments too few in number,—not only do they receive children at too advanced ages,—the instruction which they bestow hardly deserves the name. You can scarcely say more in its praise, than that it is better than nothing, and that the youth are far better so employed than idling away their time in the streets. They learn reading, some writing, and very little arithmetic—less it is nearly impossible to learn. I speak of the ordinary day-schools generally; and I affirm that to hear such places called seminaries of education is an abuse of terms which tries one's patience. Learning of that scanty kind is only another name for ignorance; nor is it possible that it should be better; for the schoolmasters are uneducated themselves; they know little of what they ought to teach, less still of the art of teaching, which every person who is only a little less ignorant than the children themselves, thinks he is quite capable of exercising.

It is strange to observe how far we are behind other countries in this most essential particular—the quality of our education. It should seem as if our insular prejudices had spell-bound us, as it were, by a word, and made us believe that a school means useful instruction; and that when we had covered the land with such buildings, whatever was done within them or left undone, we had finished the work of instructing the people. I had lately an opportunity of observing what is now doing in almost every part of France, for the truly paramount object of making education good as well as general. Normal Schools, as they are called—places of instruction for teachers—are every where establishing by the Government. This happy idea originated with my old and venerated friend, Emanuel Fellenberg—a name not more known than honoured, nor more honoured

than his virtuous and enlightened efforts in the cause of education and for the happiness of mankind deserve. Five-and-twenty years ago he opened a school for the instruction of all the teachers in the Canton of Bern, of which he is a patrician. He received them, for the vacation months, under his hospitable roof, and gave them access to the lessons of the numerous learned and scientific professors who adorn his noble establishment at Hoffwyl. I blush for the infirmities, the imbecility, of the order he and I belong to, when I add, that the jealousy of the Bernese aristocracy prevented him from continuing this course of pure, patriotic, and wise exertion. But the fruits of his experiment, eminently successful as it proved, have not been lost. In other parts of the Continent, Normal Schools have been established; they form part of the Prussian system; they have been established in other parts of Germany; and I have seen and examined them in all the provinces of France which I visited last winter. I have seen twenty in one, thirty or forty in another, and as many as 120 in a third Normal School, all teachers of youth by profession, and all learning their invaluable and difficult art. In fact, the improvement of the quality of education has every where, except in England, gone hand-in-hand with the exertions made for spreading it and augmenting its amount, and has never been overlooked, as often as any Government has wished to discharge one of its most important and imperative duties—that of instructing the people. It has never, save in our own country, been deemed wise to deal out a niggard dole of mental sustenance by teaching mere reading and writing, which is what we call education, and we hardly ever look beyond it. Our neighbours, whom we habitually look down upon, provide a system of learning far better deserving the name. In addition to writing, reading, and arithmetic, geography, natural history, practical geometry, are taught, together with linear drawing, one of the most improving and useful exercises for the humbler classes, giving them not merely means of harmless recreation, but valuable habits of observation, and a capacity of acquiring precise ideas of external objects, whether of nature or of art, and proving actually gainful in almost every occupation, if any question of mere profit and loss is to be mentioned by the side of such considerations. This accomplishment is universally found not only most attractive to the working classes,

but most useful for the improvement which it gives them in their several occupations.

I have inquired of well-informed foreigners—not, certainly, in France—if, in addition to a little natural history and mineralogy, the children were not allowed to learn civil history also? The answer was, no; that is forbidden; and in certain countries, seats of legitimacy, it may not, without risk, be taught. So that the pupils learn the history of a stone, of a moss, of a rush, of a weed; but the history of their own country, the deeds of their forefathers, the annals of neighbouring nations, they may not read. They are not to gain the knowledge most valuable to the members of a rational and civilized community. History, the school of princes, must present closed doors to their subjects; the great book of civil wisdom must to them be sealed. For why? There are some of its chapters, and near the latter end of the volume, which it is convenient they should not peruse. Civil history, indeed!—the History of Rulers! Why that would tell of rights usurped,—of privileges outraged,—of faith plighted and broken,—of promises made under the pressure of foreign invasion, and for gaining the peoples' aid to drive back the invading usurper and tyrant, but made to be broken when, by the arm of that deluded people, that conqueror had been repelled, the old dynasty restored, and its members only remembered the invader and the tyrant to change places with him, and far out-do his worst deeds of oppressing their subjects and plundering their neighbours! History, indeed! That would tell of scenes enacted at their own doors—an ancient, independent, inoffensive people, overcome, pillaged, massacred, and enslaved, by the conspiracy of those Governments, which are now teaching their subjects the history of the grasses, and the mosses, and the weeds;—it would tell them that the Bible and the Liturgy were profaned which they are now commanded to read, and the christian temples where they are weekly led to worship, were desecrated by blasphemous thanksgivings for the success of massacre and pillage! It would tell them of monarchs who live but to tyrannize at home and usurp abroad—who hold themselves unsafe as long as a free man is suffered to exist—who count the years of their reign by just rights outraged, and solemn pledges forfeited—monarchs who, if ever by strange accident, the sun goes not down upon their wrath, exclaim that they have lost a day—mo-

narchs who wear the human form, and think nothing inhuman alien to their nature! No wonder, indeed, that Civil History is forbidden in the schools of those countries! The tyrant cannot tear from the book the page that records his own crimes and the world's sufferings, and he seals it up from the people! But let us be thankful that despotism is, for the wisest purposes, made as capricious as it is hateful, and that those scourges of the earth who dare not have their deeds told, yet teach men the knowledge which must, in the end, extirpate their own hateful race.

Those seminaries for training masters are an invaluable gift to mankind, and lead to the indefinite improvement of Education. It is this which, above every thing, we ought to labour to introduce into our system; for as there are not more than two now established by the exertions of individual benevolence, and, as from the nature of the institution, it is not adapted to be propagated by such efforts, no possible harm can result from the interposition of the Legislature in this department. That there are already provided, and in the neighbourhood of this House, the means of improving our elementary Education, and of training good teachers, I have the satisfaction of knowing. In the Borough Road School of the British and Foreign Society, any of your Lordships may, at any time, see a seminary of great excellency. I have lately visited it in company with some of your Lordships, and certainly a more extraordinary spectacle of the progress of instruction among children I never beheld, or, indeed, heard of in any country at any time. It is really astonishing how the human faculties could, at so early an age,—indeed at any age,—be cultivated to such a degree. A dozen or two of the children were asked such questions as these:—"What is the interest of 535*l.* 7*s.* 4*d.* for fifteen seconds?" "How many men will stand, allowing two feet and a-half to a man, on three-quarters of an acre?" Scarcely a minute was given for the answers, and they were as correct as they were instantaneous. The pupils were never puzzled in any case of calculation but one, and that must have been from some misunderstanding, for it was really the only question which I could have answered without pen and ink. But this marvellous display was not confined to arithmetic: among other things, I saw a boy take a slate, without having any copy, and solely from memory trace upon it the

outline of Palestine and Syria, marking all the variations of the coast, the bays, harbours, and creeks, inserting the towns and rivers, and adding their ancient as well as their modern names. Now all this is real, substantial, useful knowledge, fitted alike to exercise and to unfold the faculties of the mind, and to lay up a store of learning at once the solace of the vacant moments, and the helpmate of the working hours in after years. I feel quite certain that when those children leave the school they will be governed by such worthy principles, and stimulated by such generous appetites, as will make their pursuits honest and their recreations rational, and effectually guard them from the perils of improvidence, dissipation, and vice.

Here, then, is the path plain before us—for there is not a single school in which the children might not be thus trained and accomplished. Place Normal Seminaries—seminaries for training teachers—in a few such places as London, York, Liverpool, Durham, and Exeter—so that the west, south, north-east, and north-west of the island shall have the means of obtaining good masters, and you will yearly qualify 500 persons fitted for diffusing a perfect system of instruction all over the country. These Training Seminaries would not only teach the masters the branches of learning and science they are now deficient in, but would teach them what they knew far less—the didactic art—the mode of imparting the knowledge which they have, or may acquire—the best method of training and dealing with children, in all that regards both temper, capacity, and habits, and the means of stirring them to exertion, and controlling their aberrations. The whole operation would occasion a very trifling expense to the State: I think 20,000*l.*, for five or six years would, with the individual efforts that must be called forth, suffice for reforming effectually the whole education of the country.

I now come to another branch of the subject, which will bring me to the conclusion of my task, and release your Lordships for the present; it is suggested by the consideration of expense to which I have just been adverting. There are already, we are often told,—and justly told, great funds in the country devoted to the purposes of education, and nevertheless, it is said, we would draw upon the public purse for more. No man is more ready than I am to admit the ample amount of those funds, and I will add that they are

so applied as to produce a most inadequate accomplishment of the purposes to which they were destined by the donors. In many cases those funds are rendered absolutely useless by being withheld from the purposes for which they were designed; but in others they are almost equally useless from an opposite cause—from there being a too strict adherence to the letter of the Gift or Foundation, which the altered circumstances of society, have rendered wholly inapplicable to any good purpose at the present day. If the Grantor or Founder has not given to the trustees a sufficient discretionary power over the property, they are unable to administer it to any advantage without the aid of a private Act of Parliament. If they have no discretion in its application, they cannot provide for a partial or total failure of objects without the expense and anxiety of an application to the Court of Chancery, and even then the remedy is very incomplete. But the chief evil arises from Gifts to Education purposes, which are no longer of use in diffusing the requisite knowledge; and large funds, indeed, are thus rendered next to useless. Many a man thought, however, two or three centuries ago, that he was conferring a great benefit on his neighbourhood by establishing a grammar school, and endowing it with an estate, then worth two or three hundred pounds a-year, at present worth as many thousands. Now, the Court of Chancery holds that a Grammar-school is one exclusively devoted to teaching Greek, Latin, or Hebrew; and that to bestow the funds otherwise is a misapplication. I know of a foundation of this kind in a large manufacturing town, with an income of some thousands a-year, and which offers to the numerous uneducated people a kind of instruction altogether useless; while writing, geography, ciphering, book-keeping, mechanics, chemistry, drawing, would be invaluable acquisitions to the whole community. I could name other schools of the same kind, with nearly as good an income, and which support well endowed masters to teach two or three boys, because they are Grammar-schools. The true remedy here is to extend the powers of the trustees by law.

The imperfections of old foundations may well be illustrated by another example. Pious persons, in former times, thought that they did a good work when they established Foundling Hospitals. They imagined that such institutions would prevent child-murder and exposure of infants, and di-

minish the other evils arising from the illicit commerce of the sexes. As late as the last century, this was the prevailing notion among tolerably sensible, and certainly, moral and religious people; and if their means had been commensurate with their wishes, we should have had a Foundling Hospital in every town in the kingdom. That delusion has, however, long ceased to prevail. All men are now agreed that such establishments are not charities, but nuisances of an enormous nature, having the direct effect of encouraging immorality and increasing infanticide; and the funds destined to support these hospitals have been otherwise applied, the name alone being retained. Machiavel says—that in political affairs you should beware lest in changing the name you alter the thing without intending it; but he also says, that it is sometimes good, when you would change the thing, to keep the name. This maxim has been fully acted upon in the case of the London Foundling Hospital, and I have seen the bad consequences of following the Machiavellian rule. When lately in France I made war upon Foundling Hospitals, and I found a formidable host of prejudices embodied in their defence; a host the more dangerous, that they had been enlisted in the service by the purest feelings of benevolence. I visited establishments of this description in every part of the South of France. While examining one, I was amused with the self-complacency of my conductors, whose countenances mantled in smiles, while they exhibited for my admiration what were considered the peculiar merits of their institution, especially its revolving box, with the bell, and the comfortable cradle, open at all hours of the night, and nurses ready to attend the summons, and charge themselves with the fruit of guilty passion, or improvident wedlock. Through this wicket, I was told that half the children in the house were taken in—their parents, of course, wholly unknown; while the remainder, (and here was the other boast of the hospital,) were received after the most careful examination of the father and mother. My opinion was expected, and, doubtless, a favourable one. I was compelled to admit, that I considered the arrangement, more especially the mechanism of the tour or turning cradle, to be quite perfect—to be adapted with singular skill to its object; and I added, that if all the fiends below had met in council to contrive means of propagating immorality, certainly they could have invented nothing

to surpass this. But when the rigorous system of examination was relied upon, and when I asked, “If they were quite sure no improper person, amongst the parents of the hundred children thus received, were suffered to participate in the advantages secured to deserted children?” the answer was—“None such could succeed in their application, because all were submitted to the most careful scrutiny as to their lives and circumstances.” “I dare to say not,” said I: “and further, that no persons ever present themselves who cannot stand the tests applied; for why should they, when they have only to go under cloud of night, and leave their infants in the cradle, ring the bell that calls the nurse, and walk quietly away?” It is needless to add, that no answer was made to this, because none could be given. At Bordeaux, too, there is an institution of the same kind, where above 2,000 foundlings are maintained; and these, as is quite sure to happen, have very much increased, being now one-third more numerous than they were five years ago; and I found that the bulk of the cases which came before the police, were of young men and boys who had been bred in the Foundling.

Many of my excellent and enlightened friends in France held the same opinions with me upon these subjects; but the majority, and especially of charitably-disposed persons, overbore us with their numbers, and by their amiable and meritorious, but inconsiderate and unreasoning, feelings of false benevolence. Those persons I always found citing against me the supposed fact, that we have in this metropolis a Foundling Hospital; indeed, a street deriving its name from thence, and a quarter of the town its property. My simple answer was, that the name alone had been for half a century known among us, the thing itself having long since been put down with consent of Parliament. In Dublin, too, the Foundling, one of the most dreadful abuses ever known in any civilized country, has, though much more recently, been abolished. In neither of these houses can a single Foundling now be received. The parents are strictly examined before any child is admitted; and yet all the estates, and all the other funds, were expressly given for the single purpose of supporting Foundlings! Who complains of Parliament for having wholly diverted those gifts from the only use to which the pious benevolence of former ages consecrated them? Is not the answer sufficient to satisfy all men,

that the benevolence being mistaken, and the purpose mischievous, though well meant, another use must be made of the property, and the bounty of the donors turned into a channel the donors never had dreamt of? So Lord Chief Justice Ellenborough publicly said, that if the Small-Pox Hospital was found hurtful it must come down, whatever good intention we might ascribe to its benevolent founders. If, then, Parliament could interpose in such instances, I say it has the self-same right to interpose its authority where there is a pernicious application of the funds given to other charitable purposes; and the locking-up an ample revenue from public use, because there are no children who require tuition in the learned languages, is a pernicious application of funds. From the Statute of Elizabeth downwards, charitable funds have been subject to public control, and dealt with as public property; and the Acts of George 3rd, and 4th, as well as of his present Majesty, have all recognized the right—the duty—the expediency—of such interference, without in the least disregarding the rights of property, or the power of the trustees, or others connected with the different trusts. But the remedies given by the law are still very imperfect, and of a kind not at all adapted to some of the most prevalent evils.

Beside such defects in the endowments as I have mentioned, there are few education charities where an improvident application of the funds is not directed. Thus most of them are given not merely for the wholesome, and useful, and little expensive purpose of instruction, but also for feeding, and lodging, and clothing the children. Now, unless in certain comparatively rare cases, as that of orphans, a permanent fund of this sort is open to exactly the same objections which have weighed most with the Legislature in reforming the Poor-laws—it is a fund for giving pay without work, and for promoting improvident marriages. That it is also a most wasteful application of money, there can be no doubt. I can illustrate this from the state of the London charities. Of thirty-six Education endowments in Middlesex, in the year 1819, the revenue was 31,000*l.* a-year, of which 22,000*l.* arose from permanent funds. In these schools the number trained and educated by the foundation was only 2,260, at a cost of nearly 10*l.* (the sum being 9*l.* 10*s.*) for each child. In four great London foundations the revenue, at the same period,

amounted to 81,000*l.* a-year, and the number of children educated was 1,620, being an average of 52*l.* a-year for each child, but of these numbers some were only day-scholars, as in the case of St. Paul's school which is limited to 153 boys in number; and as the expense of these was, of course, not so great (yet still, I think, from 20*l.* to 30*l.* a-year, which is inexplicably high), the average charge of the others is within a trifle of 54*l.* a-year. The average for Education in the Foundling Hospital was the enormous sum of 45*l.* a-year for each of the 195 children in-doors, while for 180 children in the country, the average was 11*l.* 5*s.*

Now, if a respectable Board were formed, it could do much for Education and for economy, without any rude or harsh interference. A Board composed of persons who are not retail tradesmen, and interested in jobbing with the funds, but men who derive authority from their station in society, and from their known disinterestedness in the discharge of a merely public duty, would be able, calmly and deliberately, to discuss the matter with the trustees, even of charities wholly supported by subscription. This we did, to a certain extent, in the Education Committee, and with marked success, though the interests of the tradesmen thwarted us at every turn,—those same tradesmen who rejected, at one institution, the proposition of Mr. Justice Bayley, to prevent the house being furnished by articles from the shops of the committee of management, and thus made that most learned, most honest, and most humane Judge, withdraw in disgust from a charity which he found systematically perverted to purposes of the most sordid avarice. A Board possessed of due weight, and discreetly performing its duty, could, I doubt not, in a twelvemonth's time, convert the thirty-six endowments I first mentioned, into the means of giving the best possible Education to 30,000 children, instead of taking less than a twelfth part of the number off the hands of their parents and maintaining them, with a very indifferent kind of tuition, at an enormous expense, to the great profit of the retail-trade trustee. The spirit of conciliation, mutual respect, and good-will, between the managers or trustees and this body, would, I confidently expect, frustrate these sinister views. The bulk of the subscribers, and of the trustees where there is a foundation, are always persons who act upon principles of benevolence, and have no sinister views

to serve; but from indolence and inexperience in business, they get into the hands of the interested individuals I have described, and these succeed in diverting the stream of beneficence into their own impure channels, sometimes openly, sometimes covertly by means of the thin cloak cast over their jobbing, of changing the Committee yearly, and allowing no one while upon it to supply the articles required, but each one passing into the hands of his predecessor, who is also to be his successor, and receive the reciprocation of favour. To terminate these abuses, and also to put the whole of the institutions upon a sounder and more useful footing, it only requires a full and kindly conference between the Board and the disinterested portion of the patrons in each charity; for these only require to be informed and to be supported; they will do their duty in co-operating with the Board, and the good work is finished. Whether any thing further may be done for improvement in this matter, I will not at present say. In the first instance, this may be sufficient; but, at all events, endowments of every kind ought to be jealously watched, especially now that the Charity Commission has expired. Trustees should be repeatedly called to account; they should be aware that there are still some persons in authority who have a control over them, although the Commissioners are no more.

A power should also be given to the Board, without which no endowed school can be expected to flourish for any length of time. However well trustees may perform their office, they should be watched over by this Board, and even where there are visitors or guardians, *custodiet ipsos custodes*. But the power of making strict conditions with the schoolmasters, and of removing them when the conditions are broken, is wanted at present even by the most enlightened and honest trustees. For want of it, in my opinion, many of the lesser endowed schools are every day going to decay. It is absolutely necessary, in order to make them fruitful in the good things for which they were originally founded. I have not lived in the Court of Chancery four years, to have yet to learn the course which this matter ordinarily takes. There are many who covet the place of the master of an endowed school, though the salary may be small; but this covetousness is not of teaching the poor. That was the object of the founder, who desired to see instruction diffused among all

the children of the humbler classes; but that is no object with the schoolmaster, who lives in the founder's house, and takes the profits of his land. The doors of his school are, no doubt, flung open; and there is no manner of doubt that the poor children may enter—if they dare. No doubt the boy may come in; the parent may send his child, if he had rather his child should suffer under, and plague the master, than that he himself should suffer, by being plagued with the child at home. If he be so careless of vicarious suffering in his child's person, he may thrust him from under his own eye, and place him under the rod of the endowed schoolmaster, who, I freely admit, will never shut the door in the child's face, nor ever tell him to depart, nor in words threaten the parent, or forbid him—the endowment must, in no wise, be openly violated. But this I also know that the master of the charity school has boarders, children of a higher rank and station, under his care and in his house,—the very last creatures in the world that the founder ever dreamt would enter it. The wary master knows full well how the children of the better classes dislike to associate with charity-boys; he feels that as the number of unprofitable pupils increases, the number of profitable ones falls away; and therefore, although the door is open, the face of the master is not; on his brow sits the frown perpetually; his hand beckons not to entice the pupil of humble degree, the sole object of the donor's bounty; it is lifted only in anger, and as the instrument of punishment; and the boy, not the teacher, is of course always in fault. Thus I have lately heard in Chancery proceedings of amply-endowed schools, the poor scholars of which had fallen off from 100 and 150, to one, two, and three; and yet the foundation exists, the Master exists, the house exists, the fund exists for the repairs, and the furniture, and the taxes. The name of the school is, or has been, celebrated as an endowed establishment, but its reputation is among the wealthy, whose children are there boarded at large prices, and taught Greek, and Latin, and fencing, and the dance, while no man knows that it is all the while a Charity School, the benefits of which have been handed over to be enjoyed by the rich, and to serve the interests of the Master. Now, in many endowments the power of the trustees to impose conditions is doubtful; in others, some college at Oxford or Cambridge appoints a Fellow, and takes care to

fetter him by no restrictions. And even if conditions are attached on the nomination by trustees, and the master breaks them, who is to undergo the pains and the perils of a chancery-suit in order to accomplish his removal? Indeed, if the trustees neglect to require a fulfilment of those conditions, no one can, by any proceeding that I know of compel them to call for a performance; in fact, the superintending power of equity is little better than nominal. The doors of Chancery, like those of the school, are open to all, but there is the schoolmaster's frown and his rod to be encountered, in the one, and the heavier rod and sterner scowl of the master's office in the other. I hold it to be of essential importance, therefore, that there should be the power of removal vested in the trustees, and in the Board.

My Lords, according to the tenor of the observations with which I have detained your Lordships, the Resolutions are framed, which I now respectfully submit to your consideration. I have delayed bringing them forward, not from any indisposition on my part, but because immediately after I originally gave my notice, the Government was changed; and though I took no part whatever in any of the arrangements consequent upon that event, I found all parties were so engrossed with them, that nobody would throw away even a thought upon a subject like the Education of the People, until the crisis was at an end. This is the only reason of the delay. I now move your, Lordships,—

"1. That although the number of Schools where some of the elementary branches of education are taught, has greatly increased within the last twenty years, yet there still exists a deficiency of such Schools, especially in the metropolis and other great towns, and that the means of elementary instruction are peculiarly deficient in the counties of Middlesex and Lancaster.

"2. That the Education given at the greater number of the Schools now established for the poorer classes of the people is of a kind by no means sufficient for their instruction, being for the most part confined to reading, writing, and a little arithmetic; whereas at no greater expense, and in the same time, the children might easily be instructed in the elements of the more useful branches of knowledge, and thereby trained to sober, industrious, prudent, and virtuous habits.

"3. That the number of Infant Schools is still exceedingly deficient, and especially in those great towns where they are most wanted for improving the morals of the people, and preventing the commission of crimes.

"4. That while it is expedient to do nothing

which may relax the efforts of private beneficence in forming and supporting schools, or which may discourage the poorer classes of the people from contributing to the cost of educating their children, it is incumbent upon Parliament to aid in providing the effectual means of instruction where these cannot otherwise be obtained for the people.

"5. That it is incumbent upon Parliament to encourage in like manner the establishment of Infant Schools, especially in the larger towns.

"6. That for the purpose of improving the kind of Education given at Schools for the people at large, it is expedient to establish in several parts of the country Seminaries where good Schoolmasters may be trained and taught the duties of their profession.

"7. That there are at present existing in different parts of the United Kingdom funds as well real as personal, to a large amount given or bequeathed to Charitable Uses connected with Education, but which, partly from want of objects in the particular places to which such gifts are confined, partly from want of proper powers in the Trustees, partly from other defects in the Foundations, and partly from a change in the habits of the people, have become, in many instances, unavailing to the purposes for which they were originally intended, and are now productive of very inadequate benefit to the country; while, from want of publicity, abuses frequently creep into the management of them, only to be remedied by tedious and expensive litigation.

"8. That in order to superintend the due and just application of the funds, from time to time, voted by Parliament for the promotion of Education, to establish proper Seminaries for training teachers, to encourage the trustees of Charities connected with Education, in using beneficially the powers now possessed by them, to watch over the abuses of trust committed by such trustees, and to control the exercise of such new powers as Parliament may grant them, it is expedient that a Board of Commissioners be appointed, with powers and duties to be regulated by Act of Parliament.

"9. That it is further expedient to give such Board a power of filling up the numbers of trustees, when they have fallen below the quorum in any will or deed of foundation, subject to the approval of the special visitor, where there is one, and to authorise, subject to the like approval, the sale, mortgage, or exchange, of any property given to charitable uses, connected with Education, for the promotion of the objects of the foundation, as far as these may be deemed beneficial to the community.

"10. That it is further expedient to give such Board a power, subject as aforesaid, of directing the trustees of any Grammar-school, where the funds are sufficient, to apply such part thereof as may not be wanted for teaching Grammar, in providing the means of common

and improved Education for the people at large.

"11. That it is further expedient to give such Board a power, subject as aforesaid, with consent of the trustees, and subject to appeal to the King in Council, to apply a portion of the funds intrusted to them in such a manner as to produce a more general benefit, and at a cheaper rate, in the Education of the people at large, where the particular employment of the funds directed by the founder has become difficult from want of objects, or prejudicial from the employment pointed out being no longer beneficial to the community.

"12. That it is further expedient to give such Board the power, in conjunction with the trustees, of imposing conditions upon the masters of endowed schools, in respect of taking boarders, and otherwise conducting themselves, and of removing them with consent of the trustees, in case of breach of such conditions.

"13. That it is further expedient to give such Board the power of calling, from time to time, for accounts of the management of endowed schools, both from the trustees and from the teachers.

"14. That it is expedient to require all trustees of Charities connected with Education, to deliver yearly to his Majesty's Principal Secretary of State, an account of all sums of money received and expended by them in the execution of their trust."

I now beg leave to propose that, with your Lordships' permission, these Resolutions be read; and it is my intention to move that the further consideration of them be postponed, by adjourning the debate.

Viscount Melbourne said: I rise, my Lords, for the purpose of expressing my entire approbation as to the course which my noble and learned Friend has adopted; and my entire, complete, and cordial concurrence in the views which he has taken on this most important subject. I assure you, my Lords, that his Majesty's Government are deeply impressed with a desire of promoting the Education of the People; and I am perfectly convinced that the repression of crime, and the propagation of virtue, peace, general tranquillity, and order, are objects inseparably connected with a well-considered and well-directed system of education. All the objections which have hitherto been urged against diffusing education throughout the community (and some of the arguments urged against it are not without force) have been applicable to schemes of education ill-considered and ill-directed—to the abuses and evils resulting from a bad system, and do not at all bear upon such a plan as would enable the poor to receive instruction and

information, and induce habits of industry, prudence, and frugality. I have only to say in reference to the resolutions of my noble and learned Friend, that as the Government are called upon by them to interfere with long-existing privileges, and to interpose its authority in matters of vital importance to the community, the course taken by the noble and learned Lord, which admits of deliberation and caution, is a wise and prudent one, the advantage of which shall not be lost sight of by his Majesty's Government, who will, I am satisfied, give the closest and most anxious attention to the propositions which have been submitted to your Lordships' decision.

The Bishop of Gloucester expressed his concurrence in most of the views taken by the noble and learned Lord in his able and eloquent speech. He particularly approved of that part of it in which the noble and learned Lord refuted the assertion that crime bore a proportionate increase to the spread of education. There was one topic, however, which arose out of the noble and learned Lord's resolutions, on which he was most anxious to say a word—he meant that the religious instruction of the people should not be neglected, their minds should be enlightened, not merely by a knowledge of writing, reading, and arithmetic, but that they should be provided with that education which would "make them wise unto salvation." He did not, however, intend to insinuate, that because the noble and learned Lord had refrained from touching upon this part of the subject himself, he was desirous to exclude others from its consideration. Of the wonderful progress which education had of late years made in this country, he had an opportunity of witnessing a few days ago, when he attended an examination at the Central National School, where extraordinary instances of proficiency in writing, reading, and arithmetic, were exhibited on the part of children of nine and ten years of age. In reference to the resolutions before their Lordships, he should at present say no more than that it must form a subject for their calm and serious consideration, whether the religious institution authorized by the Church of England should be connected with any system of education on which they might determine.

The Archbishop of Canterbury observed, that in the far greater part of the eloquent and instructive speech of the noble and learned Lord he entirely concurred. He

should, in accordance with that desire for promoting the education of the people which he and his brethren had always exhibited, give the resolutions of the noble and learned Lord all the consideration which their importance demanded. For the whole period that he had had the honour of a seat in that House, being for the last twenty-one years, the principal object of his care and attention had been the education of the poorer classes. In various ways he had endeavoured to attain that end, being convinced that the education of the people was the most effectual means of diminishing crime. There was one point on which he had invariably and clearly announced his opinions, and, that was with reference to the question alluded to by his right rev. Friend. He had always proclaimed it as his conviction, feeling that it was a duty which he owed to the public, that in order to make education real and useful, it must be founded on the basis of religion.

Lord Denman said, that as allusion had been made to the effect which education produced upon the proceedings of criminal justice, he might, he trusted, be permitted to address a very few observations to their Lordships. He was persuaded that the evils resulting from the commission of crime would be lessened, as the offences themselves would be diminished, by the establishment of a well-directed system of education; and he confessed he had, after reflecting upon the question—not as a subject for rhetorical declamation, but as one demanding grave attention, doubted how far the state was justified in inflicting punishment for an offence against the commission of which it had taken no pains to guard. If the government in a case of serious offence shared any portion of the guilt which was pronounced against the offender, they certainly incurred severer responsibility when they suffered the young and comparatively unsophisticated mind to be contaminated, on the commission of a trivial transgression, by the example and practice of the inmates of a prison. The reports of their Lordships' Committee on prisons, which was laid before them, would show the fearful evils which confounding prisoners of all shades of guilt had wrought to the community. The Legislature had no higher duty than to educate the people; the next to that was to prevent the immoral education of a prison from spreading among them. Criminal justice could not supply the defects in morals or in religion; but with the aid of general education and

an enlightened system of police, the greatest advances might be made towards social perfection in the community. The best assistance which could be given to law was to dispense the means of defeating the machinations of those who lived by depredations upon others among the community; these means were to be found alone in education.

Lord Brougham replied, and said, in answer to the right reverend Prelates who had addressed their Lordships, that he was not unaware of the difficulties which surrounded this question on the subject of religion; but he thought he should, at a future time, be enabled to lay before them a plan by which the objections which had been urged would be obviated.

HOUSE OF COMMONS,

Thursday, May 21, 1835.

This day balloting for Committees on the Ennis and Halifax elections took place.

ABSENCE OF A MEMBER OF AN ELECTION COMMITTEE.] In the course of a discussion on the Trinity Harbour Bill, a private Bill, Mr. Dyson appeared at the Bar with the reduced list of Members' names composing the Ennis Election Committee. On the Members being called to the Table, however, one of them, Mr. Greene, failed to answer to his name.

The Speaker asked, whether any Member had seen Mr. Greene in the House during the time the ballot was proceeding.

Mr. Hardy said, that he knew the hon. Member perfectly well, and had reason to believe him to be at this moment in Lancashire. At least he had this morning had a letter from him, dated thence a few days back.

An hon. Member said that he had seen Mr. Greene in the House at four o'clock.

The Speaker said, that such was his own apprehension, and he believed he shared it in common with several other Members.

Mr. Goulburn said, that he was wholly out of recollection of any precedent to this very extraordinary circumstance.

The Speaker, after a pause of a few minutes, agreed that it was a most extraordinary case. He certainly had a clear impression that the hon. Member had answered to his name at four o'clock; but as the case stood, he thought the best course would be to postpone the swearing in of the Members until due inquiry had been

made as to Mr. Greene's absence. If it should prove that the hon. Member had not, as was supposed, answered to his name, the course of proceeding (as the right hon. Gentleman was understood to decide) would be to ballot for another Committee.

The other Members accordingly retired from the table unsworn, and the discussion on the private Bill was resumed.

Mr. *Gisborne* was about to address the House, when the proceeding was interrupted by the appearance of Mr. Greene at the Bar.

The Speaker called upon the hon. Member to explain the cause of his absence.

Mr. *Greene* said, that he had been informed that during his absence (not having been at the House before during the day) he

had been ballotted for and chosen upon an Election Committee. He had been absent, not knowing that it was a necessary part of his duty to be present.

The *Speaker* said, that there had been a great mistake ; for when the names of Members were called over, he had understood the hon. Member to answer, and he had been so assured by other Members. That, however, not having been the case, and the ballot having been informal according to the terms of the Act, the House had no alternative but to adjourn. [The Speaker read the Act of 9 Geo. 4, which made it imperative on the House to complete the ballot before proceeding to any other business, and then adjourned the House.]

APPENDIX.

A better Report of the SPEECH of SIR ROBERT PEEL upon the Address to the King for a Charter to the London University.

The *Chancellor of the Exchequer* rose and said, I take it for granted, from the general demand that is made in the lower part of the House for an immediate division, that the Gentlemen assembled there are perfectly acquainted with the nature of the Motion on which they are about to divide, that they have maturely weighed the proposal upon which they are to address the Crown, and, therefore, that they consider there no longer remains any necessity for further discussion; but, to those who are not exactly aware—to that very large portion of the House which not having heard any part of the discussion, (a number of Members had just entered the House) cannot be acquainted with the nature of the proposal upon which we are about to pronounce an opinion, I take the liberty of reading the Motion. It is in these words. "That the House do agree to an address to his Majesty, beseeching him to grant his Royal Charter of incorporation to the University of London, as approved in the year 1831, by the then Law Officers of the Crown, and continuing no other restrictions than against conferring Degrees in Divinity and in Medicine." No man who has not read the Report of the then Law Officers of the Crown, or does not know the contents of it is very well qualified to press upon the Crown, the restrictions specified in the Motion. The address is to grant a Charter of incorporation, not simply and without qualification, but to grant it upon the principles approved of by Law Officers of the Crown in 1831. Now I ask the House of Commons whether it be decorous to proceed on a certain night

to address the Sovereign of this country to grant a charter to a certain body according to a principle approved of by the Law Officers of the Crown some years since, without having previously ascertained what was the principle of which the Law Officers of the Crown so approved? Will hon. Gentlemen consent that I should examine them severally as to their knowledge of the opinions expressed in the Report of the Law Officers of the Crown, in order that I may ascertain, out of the 300 or 400 Members who are about to pronounce a decision upon it, how many of them understand the Question, on which they are so eager to decide? The Law Officers of the Crown, who were consulted in that year, proposed these restrictions upon the charter—that it should convey no power to the University to grant degrees in divinity and medicine. It may be obviously right, in the opinion of many Gentlemen, to restrict the right of giving degrees in divinity, but why impose the restriction with respect to medicine? Why address the Crown to exercise its authority in the grant of a charter, but fetter its discretion by the expression of opinions dissuading the Crown from granting a power to confer degrees in medicine? I have an account in my hand of the state of the University of London in 1831. It had then 480 students, of whom 293 were students in medicine, 113 students in the arts, and 74 students in the law. Ought I not to have some information which shall warrant me in voting for an address to the Crown to night to give the privilege to the University of conferring

degrees upon the 74 students in law, and upon the 113 students in the arts, but to exclude from degrees the 293 who are students in medicine? Is it unreasonable to require some ground for this advice? Is it sufficient to refer, me as a warrant for it, to some opinion which I have not seen, and which after all was not an academical—not a political—but a legal opinion? This Question has been brought before the House on former occasions. No longer ago than last year it was submitted to Parliament, and taken into consideration by the Crown, and by his Majesty it was referred to the Privy Council. Suppose the House should agree to address the Crown again on the present occasion, what course is the Crown to pursue? Is it again to refer the matter to the Privy Council? Or is the Crown, having once referred it to the Privy Council, and having received no Report from that body, to disparage the labours of the Privy Council and to grant the charter without reference to it? That is the question which the Crown must determine if this address be presented. The matter was referred to the Privy Council because the King thought it was but right to give the parties who were adverse to the proposition, an opportunity of being heard. What course is now to be adopted? If the Crown is not to exclude the advice and opinion of the Privy Council, is it to refer the matter again to the Privy Council? The hon. Member for Bridport says, he thinks that some better mode for effecting the object in view might be devised than the grant of a charter to the University of London. If the hon. Gentleman is of opinion that some better course might be pursued than that which it is proposed to pursue, why should not the House of Commons take his advice, and at least pause before it agrees to advise that measure, which is admitted to be exceptionable and to which alone this measure is preferable? The hon. Gentleman says he thinks it would be better not to confer any exclusive charter upon the University of London, but to establish one general and common University for the metropolis, including the King's College, and other institutions, as well as the particular establishment now under consideration. Then, why am I to be called upon to-night to present an Address to the Crown, praying that a Charter may be conferred, specially and exclusively, upon the University of London? The hon. Member for Bridport says, that those who sit on this side of the

House, are not in the habit of adopting liberal opinions. [Mr. Warburton: Were not.] Does the hon. Gentleman mean in the course of the last year. Does he apply the observation to his own friends? He might with perfect justice, so far as this University and its Charter are concerned, for the greatest impediment has been thrown by them in the way of the grant of such Charter. The late Ministers were the parties by whom this very question of granting a Charter to the University of London was submitted to the Crown, and by the Crown referred, as I have before stated, to the Privy Council. A Committee of the Privy Council was appointed—it received the petition of the parties adverse to the grant of the Charter, or at least anxious that it should be accompanied with certain qualifications—it heard the evidence—it heard the speeches of counsel on both sides—it heard a very able speech from my learned friend, Sir Charles Wetherell—it heard a speech from the hon. and learned Gentleman opposite (Dr. Lushington)—it took the whole subject into its grave consideration, but to this hour it has never given any opinion upon it. [“Hear, hear!”] “Hear, hear!” says the hon. Gentleman opposite, with a sort of triumphant laugh. The laugh confirms the truth of my statement. I am answering the charge he has made upon the hon. Gentlemen who now sit on this side of the House, and am showing that the great obstructions to the grant of a Charter to the London University—the real practical impediments were thrown by those who pretended to be friendly to the grant, who had his authority to make it, who took it into consideration, and yet, after all, did nothing—and advised nothing—I presume, from their delay and indecision, that there must have appeared some good and valid ground for withholding the grant of the Charter, especially as the late Lord Chancellor was one of the Committee of the Privy Council, which was appointed to inquire into the matter. I find, by a paper in my hand, that the members of that Committee were as follows, the Archbishop of Canterbury, Lord Brougham, the Archbishop of York, Lord Lansdowne, Lord Ripon, the Duke of Richmond, Earl Grey, Lord Eldon. [“Hear, hear!”] Surely this cheering was very puerile. If you cheer for one name, you had better groan for another. I continue: Lord John Russell, the Bishop of London, Lord Holland, Lord Lyndhurst, Lord Denman, Chief

Justice Tindal, Lord Melbourne, and Lord Stanley. This Committee was constituted by the late Government; it met, and seemed to be giving the profoundest attention to the subject. It assembled upon the 26th of April. The late Administration did not quit office until the 13th of November. Now, why, having considered this matter so fully, having heard the speeches of counsel on both sides (speeches which certainly did justice to the subject, in point of length, as well as in ability), why, having heard all this, and having closed their proceedings on the 3rd of May; why they never took a single step upon the subject up to the 13th of November, I confess I, for one, cannot understand, unless they felt that there was some serious difficulty, legal or constitutional, that stood in the way of granting the Charter. If that were really the case, what course is the Crown now to pursue? Is it again to refer the matter to the Privy Council? ["No, no!"] Very well. It is not to do so; it is not to ask again for the opinion of Lord Brougham or Lord Denman?

Mr. Tooke rose to explain. The right hon. Baronet had alluded to several Reports of the Law-officers of the Crown not having been produced. He thought that the right hon. Baronet was hardly aware that the paper which had that day been printed, and, as yet, very imperfectly delivered to hon. Members, did instance a charter which was issued upon the Report of the Attorney and Solicitor-General, which passed through the Home Secretary's office, through the Signet Office, through the Privy Council, and which twice received his Majesty's Sign Manual. It was to carry into effect the recommendations of that Committee, that he (Mr. Tooke) brought forward his Motion.

The Chancellor of the Exchequer: I thank the hon. Gentleman for his interruption—for his explanation that his Motion is founded on a paper printed in the course of the day, and, according to his own declaration, very imperfectly delivered. Was there ever such a farce as this? The hon. Gentleman holds in his hand a paper wet from the press, which nobody has seen but himself, and wonders that I am dissatisfied with it.

Mr. Tooke: I am not fairly treated by the right hon. Baronet.

The Chancellor of the Exchequer: Then I must have misunderstood the hon. Gentleman. I understood him to say, that the paper was not printed until to-day, and

VOL. XXVII. ^{{Third} _{Series}—Appendix.

that, as yet, it had been but very imperfectly distributed. If this be so, I repeat it is a mockery to call on the House to vote an Address to the Crown, founded on this paper, and adopting its opinions. I proceed. I have described the proposition of the hon. Member for Truro. Now what is the counter proposal of my right hon. Friend, the Member for the University of Cambridge? He suggests an Amendment to the Motion, praying his Majesty to give directions that there be laid before the House copies of the Memorials presented to, and the whole of the proceedings had before, the Privy Council, in the matter of the London University. I conceive that the House, being in possession of all those documents will be better able to determine what course it will be proper to pursue, than it can be at the present moment. The hon. Member for Bridport says, that he shall feel it to be his duty to press the Question to a division, unless I will pledge myself to take into my serious consideration a particular plan which he has pointed out. I will not, for the purpose of evading the temporary difficulty, give any pledge of the kind required by the hon. Member. If the House shall think it decorous to proceed to an Address to the Crown, praying that a Charter may be granted to the University of London on the conditions and with the restrictions settled by the Law-officers in 1831—if it shall be prepared to say to-night, that the Charter when granted, shall include a restriction on medical degrees, if it chooses to do this without seeing the opinion by which it professes to be guided, without information as to the necessity or policy of the restrictions it advises, let it pursue that course. I say openly that it will be an unwise and an improper course. I believe that the course pointed out by my right hon. Friend would be much more safe and much more satisfactory. It precludes nothing—it prejudices no future proceeding—it only enables the House to form a better judgment upon the question. And feeling the objections which I urge to the Motion of the hon. Member for Truro to be well founded. I declare on this occasion, as I have declared on every other, that rather would I be found in a minority, and throw the responsibility of an unjust and unwise proceeding upon the majority, than acquiesce in an objectionable proposition for the purpose of escaping the temporary difficulty. I feel, Sir, that it is not proper for the House to present this Address to his

Majesty. I feel that the presentation of such an Address will not facilitate the object which the hon. Member has in view, and, therefore, I cannot give my consent to the Motion before the House. At the same time, Sir, while I say this, I do feel that the position of that portion of his Majesty's subjects who do not conform to the Church of England, and who, in consequence of their not subscribing to certain religious tests, are excluded from the Universities, is deserving of favourable attention. It is a ground of just complaint for them, and their claim to academical education and honours must, in my opinion, be fairly and fully met, though what may be the proper mode in which these honours should be conferred, I am not at this moment prepared to say; and I do not make this statement of my willingness to consider the claims of the Dissenters in respect to their opportunities of academical instruction for the purpose of entrapping the House, or influencing its present decision. Let the House take that course which it, in its wisdom, thinks fit, without reference to my opinions. But, at the same time, it is right that I should not withhold the expression of them, or refrain from declaring that I myself have no objection to some provision being made that should accord to Protestant Dissenters, now excluded from the Universities, the power of acquiring academical distinctions. But it is a question which will demand very great consideration in respect to its details. I do not apprehend, Sir, that the Universities of Oxford and Cambridge object altogether, and upon principle, to the grant of a Charter to the London University. I believe that their objection—the objection of Cambridge, at least, applied to the confer-

ring of a power to grant degrees, the titles of which might be confounded, in public estimation, with the University honours and degrees of Oxford and Cambridge. At all events, this is a matter worthy of consideration. I hope, Sir, that I have dealt with the House at least with perfect fairness. I make no pledge, and give no assurance upon the subject, because I have not yet given the matter the consideration which it deserves. I think the Motion of the hon. Member for Truro an unreasonable one; and I prefer the Amendment of my right hon. Friend, because I conceive it to be the only course which the House can with propriety adopt in the present state of this Question, and of the information upon it which the House possesses. I shall conclude by declaring, with great deference to the authority of the House, my respectful opinion that its decisions will carry with them much greater authority if adopted after more mature deliberation, if they are known to be the result of dispassionate discussion, and formed after the House shall have received the information that is within its reach, and which is essential to a satisfactory judgment. I hope the House will not come to a hasty resolve in favour, not only of the grant of a Charter to the London University, but in favour of the qualifications and restrictions which should accompany that grant; that they will not do this, when it is admitted by the proposers of the Resolution, first, that the documents on which it professes to be grounded have only been printed in the course of this day, and have been very imperfectly delivered, and secondly, that it would be possible to suggest a measure preferable to the one which this Resolution will recommend to the Crown.

SPEECH of THOMAS WYSE, Esq., on Tuesday, May 19, 1835, on moving for leave to bring in a Bill for the Establishment of a Board of National Education, and the advancement of Elementary Education in Ireland.—
From a Pamphlet, with further Corrections.

Sir ;—I rise to move, pursuant to a notice given at the beginning of this Session, for leave to bring in a Bill for the establishing a Board of National Education, and the advancement of Elementary Education in Ireland; the first of a series of measures which I trust I may be permitted, as circumstances shall allow, to submit to this House for the amelioration, more general diffusion, and permanent support of education in that country. I placed my notice thus early on your Order-Book, not with any factious or partisan design to embarrass this Ministry or to assist that,—so high and national a subject would, in my mind, have been profaned by a limited and temporary application,—but from a deep and sacred conviction, now of many years standing, that of all great objects of national policy, which can engage the attention of subject or ruler, this is by far the greatest; great now, great at all times; not a helper, only, in the building up of society and civilization, but the only foundation on which all society and civilization must finally rest. He who neglects this, may construct what social edifice he pleases; he will soon find, to his cost, that he has been but “an architect of ruins.” He may range institution on institution, without that,—which alone can give the structure cohesion and solidity,—the pack of cards, at the first breath of civil commotion, will come tumbling down. Constitutions are good and necessary, but a good Constitution may be long in giving a good education: it is scarcely in the nature of moral things that a good National Education should not, ere long, render necessary and certain a good Constitution. These were my opinions in 1831,—enlarged, and confirmed, and

matured, they are more than ever my opinions in 1835. With little or no encouragement,—with apathy or hostility (and there are cases and times in which apathy is worse than hostility) to check even a mention of the subject,—with scarcely ten auxiliaries in this House, which now boasts its almost unanimous anxiety for some such measure,—I ventured in the former year, with no hope of immediate success, but with a certain confidence of future, to solicit even a momentary attention to the first Bill ever introduced into Parliament for Irish Education. That Bill I should have pressed to a positive decision of the House, notwithstanding all the difficulties with which I felt it was surrounded, had I not apprehended embarrassing, by such discussions, the progress of the Reform Bill then pending and against which was arrayed every sectarian as well as political prejudice, in either country. I received, too, the assurance, that many of its provisions would be reduced to early trial, by the then Government, in the form of an experiment; and I had hopes that new aid would be thus afforded in every future discussion, from the strong evidence of experience. The Bill was proceeding to a second reading in September—when Parliament was prorogued; and in the following October, the then Secretary for Ireland (Mr. Stanley) with a courage and wisdom which bear, indeed, a favourable contrast to the pusillanimous and purblind policy of former Governments, constituted in his “Instructions” to the Duke of Leinster, the present Board of Irish Education, on almost the precise model in the Bill. More than two years have now elapsed since that important experiment was first risked. In despite of every evil prophecy, calculated and in-

tended to realize what it foreboded—in despite of every impediment which disappointed favoritism, political and religious bigotry, and, I am willing to believe, honest, though mistaken apprehensions have thrown in its way,—the experiment (as I shall be enabled amply to prove in Committee) has, as far as it was intended to go, most thoroughly succeeded. I may be asked, then, why disturb its progress, or endanger the already effected good, by attempting something better? Simply, because this progress is at this very moment exposed, from the want of some legislative sanction, to continual disturbance; and, secondly, because the good on which we have to congratulate ourselves is far, indeed, below the standard, which I am as certain as I am that I am standing here, we are fully able to attain.

The present system is confined and comparatively feeble in its operation; the distribution of its powers and duties (I pointed out the defect in the beginning, and the results have since justified my apprehensions), is injudicious; and above all, were it to combine every excellence that human system could boast of, the nation has no guarantee for its duration: its annihilation, like its creation, may be the work of a day. It was right, perhaps, at the outset, considering not merely the hostility of one party, but the comparative ignorance of all, to invest it with this provisional character. There are prejudices which must be wooed to be won, and where moral changes are in contemplation, no prejudice is to be altogether disregarded; light, too, was to be poured in, by degrees, on the darkness of the public; the very feeling that it was an experiment disarmed, and invited attention and patience for the result. But that time is passed, and to delay now is not wisdom, but indolence or cowardice. The very dread that it will be allowed to continue in this wavering ambiguous state, dulls co-operation on the part of the public. Few men will zealously interest themselves in consolidating a fabric which may be destroyed they know not when. That these are not visionary fears the conduct of the late Ministry gives ample proof. The right hon. Baronet himself—though far superior in extended and rational views to those around him,—dwelling, indeed, apart from his colleagues in an intellectual atmosphere of his own—gave but a cheer-

less and cold assent to the measure; and as to his Irish supporters, they bowed it is true, but with a most resolute reluctance, and claiming to preserve all their old hostility, to what many amongst them, I doubt not, must have considered a very unworthy concession on the part of their leader. Now, what protects the system against these openly avowed feelings in future? Nothing, surely, but the want of power. I would not leave it thus at the hazard of a die; if it be as you aver, a great national good, it behoves the nation, and you as the guardians of the nation, to see that it be placed not only beyond all danger, but beyond all contingency. Nothing but a law, nothing at least so well as a law, can effect this. If it is to be conveyed a glorious gift, in full possession to the nation, it must be by solemn Act of Parliament, and not by an *ordonnance* of the King, or a bye-law rescript of an Irish Secretary. Nor is this a matter which, under pretence of complex detail, and immature inquiry requires to be prorogued. The complexity apprehended may, by the course I propose, be easily simplified; there is little need of further inquiry,—we have inquired and hesitated enough,—our duty now is, to act. In this I echo only the voice of the times, the cry which I hear in every street, and from every part of the country. Something bold, broad, and durable, must be done; and the sooner done, for the cause of the country, and of education, the better. We live in a new world, and with other minds than those which have preceded us,—we must work up our institutions to their level, unless we wish to expose the whole march of our social and political existence to jerks, and jars, and disasters,—we must look forward as well as back. It is not enough to follow precedents, we must create them. Our ancestors may be entitled to our veneration, but we owe virtue and happiness to our posterity. Steam has produced a great, and is likely to produce a still greater, change, in the combination and action of society—space seems annihilated,—towns have melted into each other, we live almost like one great family, in the presence of each other,—facility of communication renders us more sensible to every impulse,—public opinion has acquired more activity, extension and energy,—combination, for any given cause, is infinitely more easy. Add to these the wholesale changes in the

power of production; the new markets created; the old they have displaced; the innumerable vicissitudes which all these give rise to, not only in individual families, but in very large masses of the community;—and you will form some estimate of the mighty, and in some degree perilous, power of this moral, as well as mechanical agent upon society. Much patience and much wisdom are requisite to enable us to use its gifts, so that they may not be turned into curses, and to emerge from the old into the new state to which we are hastening, with permanent, as well as temporary, advantage. Nor, do these shocks occur at a time when we can boast of much national prosperity. Civilisation, indeed, seems to have attained, in many instances, its perfection, but the machine is wound up to the last turn of the wheel, the pressure of our population is everywhere felt. How this is to be alleviated, whether by raising our resources or restraining our population, may be a matter of discussion amongst economists: but, in either case, forethought, and moderation, and activity, and intelligence,—habits which education only can produce—are confessedly indispensable. Nor is this all: there is another social change, more powerful, perhaps, in its influence than either of the preceding. The Reform Bill is now law—the country has its legislation—therefore, its destinies—in its own hands. You have consecrated the right, and must soon admit the exercise of self-government, to its lowest detail. You cannot stop at the threshold of Parliament. You must carry it down to Corporations, to Grand Juries, to Parochial meetings: every citizen must in turn be governor and governed. Such a right must be exercised well, or not be intrusted at all. Precisely in proportion as it is well or ill exercised, is the good order or confusion, the health or uneasiness of the community. Will you, then, trust to chance such causes and consequences? For the discharge of such high and difficult duties will mere good intentions suffice? The very day you passed the Reform Bill, you bound yourself by a solemn moral compact to provide for its proper working; otherwise you conferred upon the country, not a blessing, but a curse. And how is it possible it should work well, with such instruments to work it with as an ignorant population? You might as well trust fire-arms to the hands of a child. Yes!

—Parliamentary Reform, I boldly assert, has rendered Education Reform indispensable. Every hour you delay it, you detract from that great gift. The passing generation, indeed, may not be within your power, but you are still masters of the future; young England—young Ireland is still in your hands; you can still determine what shall be her character and her history; and if such be your power, what must be your responsibility? Upon you depends who shall be the future benefactors or criminals of your country.

But, in asserting the necessity of rigorously attending to the education of the country at such a moment as the present, am I quite sure, I may be asked, that education is at any time necessary, or even useful to the people? I shall not detain the House with much discussion on that futile Question; it is only amazing it has ever been listened to, or even started in this House. Those who stand forward in its support, are the best refutation of the paradox themselves. But “Folly” has been “praised” ere this, and there is no absurdity so monstrous, which may not find its fond or fantastic abettors. On what does their argument rest? On false data, erroneous assumptions, on conclusions which they cannot believe, on theories on which they would be sorry to act. The Criminal Returns of France, even on the showing of Guerry, are no evidence of a sound system of education; on the showing of Dupin they are strongly in favour of it; so also are those of Prussia, if we are to believe Dr. Julius; of Belgium, if we are to believe Mounier; of Spain, if we are to believe Laborde; and even those of England and Ireland (and need I add Scotland), notwithstanding all the contortions to which they have been subjected, are no less proof, that crime retreats before instruction, and that if it has not retreated more rapidly than it hitherto has done, it is solely because instruction has not begun sufficiently soon, been sufficiently good, or sufficiently applicable, to the individual, place, or time, for which it is intended. We set about educating, in general, when mis-education has already set in—we take the grown-up boy, and not the plastic infant—we have to undo, a far more difficult task, than to do—we carry on the process which ought to be purely mental, by purely mechanical means, with some knowledge of slates, desks, and primmers, it is true, but with

little or none of the Science of Mind, that is, without the only knowledge, which is absolutely indispensable to our purpose—we educate but half the being, give him an intellectual without a moral, or a moral education, without an intellectual, or a miserable smattering of both—we make him a reading, writing, and counting machine, whom God designed for a thinking, feeling, acting, fellow-man—we give him precisely what he does not want, and refuse him precisely what he does; making the artisan a Latin scholar, and the labourer an ale-house politician; and when we have effected this, and gone on for years and years—and for generation after generation, effecting it, we suddenly turn round, amazed that our thorn has produced sloes, and console our self-love with invectives against education, whereas, if we were not ignorant as well as vain, we ought to have directed our indignation against our own utter indolence and incapacity, and endeavoured to correct our awkwardness, instead of discarding the instrument we have so grossly misapplied.

The great point, then, is, not whether we are to have education, but of what kind that education is to be. Knowledge, in itself, is neither good nor evil; it is the application of knowledge which determines either. Now this is the very point which it is absolutely necessary we should decide. People seem to think that, because we do not educate, no education is going on; but do they know what education is? Everything is education; everyone, in reference to the young mind, is more or less, an educator? Sit as neutral and as idle as we please, the child is still educating, in one way or other, and at every instant before our eyes. But, then, I should like to know of what kind can such an education be? Let us go into the alleys, fetid with the disease and vice of our luxurious capitals—let us go into our gin-palaces—let us go into our crowded factories, and there we shall find an immediate and appalling answer. He who does not entirely, and extensively, and properly educate, suffers mis-education to go on, when he can prevent it; and, in suffering miseducation, so far, virtually miseducates. He is guilty of the guilt, and author of the misery which everywhere festers around him. Can the Patriot endure—dare the Christian permit this? What more important Question, then, to the conscientious man, than what

really constitutes a good or bad system of national education? Schools are not good education, nor are books, nor Boards, nor Inspectors, nor grants, good education; they are but the machinery—the means—that by which good education may be propagated and perpetuated through the land. I care not so much what the canal is, as what the canal carries. Tell me not what number of schools you have established, but what your schools are—what, and how, your schools teach. How am I to know whether it be rank poison or the bread of life, you are bestowing all this while? Until you are sure of that, you have no right to bestow it at all. The increase of your schools, if the schools be bad, is the increase only of evil; instead of being a matter of exultation, it is, and ought to be, a matter of reproach. The first thing you ought to do, is to assure yourself of this goodness—that done, it then becomes a merit, a duty to extend them as widely as you can. But of what use to extend them, unless you also provide means that they shall last? The better and more numerous they are, the more important, surely, is such a consideration. These three points embrace, in my mind, all the conditions of a good system of national education. It is here that machinery becomes useful. We look for means to attain with facility and certainty, the point which, without such means, we should attain with difficulty, or not at all.

What, then, are these means? Is national education to be left to the Government, or to chance? Is there to be system, or no system? Which of the two principles, the directive or voluntary, is the best? This Question may be argued for ever, by taking the extremes; but it is this very mode of arguing it, I would avoid. I would not give education altogether to the Government, much less would I leave it altogether to itself. There is a middle term between both, where neither the people nor the Government monopolize or usurp, but where both may usefully combine. And why should they not combine? Do they not do so every day? What is our police, what are our public works, our charitable institutions, but a series of similar combinations? Is all this a solecism, an evil, a public wrong? Why not also leave these great national objects, as well as education, to

find their level? Why not leave them to the ordinary laws of demand and supply? But the fact is, there is no analogy between the case of the education market and other markets. Our moral wants are not regulated like our physical. The less material food we have, the more we hunger for it; but the less education, the less appetite for education we have. Neither is it quite true, even in the mechanical world, that supply should always follow demand; it very often creates, and should in many cases precede it. Canals have as often produced commerce, as commerce has produced canals. The whole of the argument has arisen from too precipitate a generalization of Adam Smith's views of bounties and prohibitions. Facts, too, are against it. Were I called on to point out the precise spots where public education in every respect is most flourishing, assuredly I should direct you to those very countries where the Directive system is most, and the Voluntary least in vogue.

But the chief difficulty still remains—how to regulate this combination? What share is the Government to have, and what the people, in contribution, powers, and duties? I answer that question by another. On what principle do they combine? They unite for mutual assistance. The Government can do some things better than the people, the people, again, may do other things better than the Government. Let each do, what it can do best. The Government can impel, enlighten, and control; the people can aid and maintain. Let the duties and powers, then, of each be regulated by this simple principle: let the Government provide and extend a good system of education to all the people (it is the Government of all), and let all the people, in return, support and perpetuate such a system when provided by the Government.

Such a system has never yet existed in Ireland. She has never had a national education composed of such elements. Her education has not been an education for all; it has not been under the direction of the Government; it has not been maintained by the sympathies of the people. It has been a mere machine for the maintenance of Protestantism and Oligarchy—fettters to bind the mind, as there were Statutes to bind the bone and sinew of the country. Yet there were once in Ireland great and good foundations for a noble structure. I shall not insist on our

early literary glories, though I might well summon a whole line of English writers to bear testimony to the early solicitude of the nation for instruction. Bede, in the seventh century, notices the number of Saxons, who went over in crowds to Ireland, and who, as William of Malmesbury observes, were not only most willingly received, but maintained at the public charge, supplied with books, and taught without office or reward. Spencer admits that Ireland had the use of letters long before England. "To Ireland," according to Littleton, "England chiefly owed her knowledge." Many Saxons out of England resorted thither for instruction, and brought back the use of letters to their ignorant countrymen. "Ireland," says Bayle, "has given the most distinguished Professors to the most famous Universities in Europe." He might have added, in many cases, it had given their founders. "It was," he continues, "as the historians of the time declare, the most civilized country in Europe; the nursery of the sciences, &c., &c." Nor are these eulogies unsupported by fact. The Monastery of Lindisfarne—the College of Lismore—the great College of Mayo—"the Mayo" as it was called "of the Saxons," dedicated to the exclusive use of English students, who at one time amounted to no fewer than 2,000, but which, on its rebuilding in 1380, by the English, was prohibited from receiving Irishmen—Borishole, surrounded with forty literary institutions—are all so many illustrative evidences of the early intellectual activity, and literary munificence of the nation.

What, then, you may demand has become of those institutions? What! Do you ask me? Ask those who expelled the teachers, burnt the books, ruined the buildings, who wasted and withered wherever they came,—ask those who civilized Ireland, they will give you the answer.*

* *Catholic Provisions for the Education of the People.*—The Council of Lateran, referred to in the text, ordained that means should be provided in every parish for the support of a teacher, whose duty should be to instruct "the Clerks and all Poor gratis." At a subsequent General Council, provision was in like manner made for a "Lecturer in divinity," whenever the church should happen to be a cathedral, and in other cases, a "school-master" was directed to be provided, empowered to collect from the Clergy of the Parish. For the Council of Lyons, see Tiraboschi, t. iv. par. 1, p. 69. See also a Brief much com-

But England and Protestantism returned, we are informed, large and liberal compensations for these wrongs,—they gave us the Parochial and Diocesan schools. They! We owe both, to Catholicity and Ireland. The right hon. Baronet who made such assertions, some nights ago, seems not to have known, or to have forgotten, that this very system had existed from the thirteenth century, and still exists, in almost every Catholic country in

mended by the Abbate Gaet. Marini, still more distinctly recognising these ordinances. “Venerabili Fratri... Episcopo Castellani:—Ne propter inopiam, Scholaribus et Clericis, subtraheretur utilitas disciplinæ, dudum in Generali Concilio piâ fuit provisione, statutum, ut non solum in quâlibet Cathedrali Ecclesiâ sed etiam in aliis, quarum sufficere poterunt, facultates, constitueretur, Magister idoneus, a Prelato, cum Capitulo, seu majori et saniore parte Capitula eligendus qui clericos ipsius ecclesiæ, aliosque scolares pauperes gratis in grammaticâ facultate, instruere juxta posset, percepturus in hujusmodi ecclesiâ unius Prebendæ proventus quamdiu persisterit in docendo; Nos igitur, &c. &c. The Canon of the Council of Trent, is still larger. It decrees (*Sessio v. c. 1. De Institut. Sac. Scrip. et Liberal. Artium*,) not only that the former Canons should be observed, but where a sufficient maintenance for Teachers in Cathedrals could not be procured by the gift of a Prebend, the Bishop should be empowered to lay his clergy for the purpose under contribution. Even in the poorer parishes, a schoolmaster was ordered to be provided “lest that necessary work of piety should be neglected.” The same conviction of the importance of education is strongly apparent in the preamble to the Statute of Hen. 8th “Nothing doth more conferre,” it sets out, “to the instruction of rude and barbarous people, than a good instruction in God’s holy laws, &c. &c. It is further earnestly urged, as one of the best means of civilizing Ireland, in that curious Paper, the “State of Ireland, and Plan for its Reformation,” (1515), lately published by the Commissioners; “also, that every landelord, greate or small, of every Iryshe Countey, subget to the King, put thy sonne, and heyre to Dublin or to Drogheda, or to some other Englyshe towne, to lerne to wryte and rede, and to speke Englyshe, to lerne also the draught and maners of Englyshe men.”

So early as 1494, the principle of taxation for school purposes and of compulsory attendance was recognized by the Legislature in Scotland. 20l. Scotch was ordered by Statute as the penalty for non-compliance. In 1615, an Act of the Privy Council, confirmed by an Act of the Scotch Parliament in 1633, gave it additional force. It was in the year 1696, however, that the organization of public instruction assumed its present substantial and

Europe. The Council of Lyons, in 1245, decreed “that in all cathedral churches and others provided with adequate revenues, there should be established a school and teacher by the bishop and chapter, who should teach the clerks and other poor scholars gratis, in grammar, and for this purpose should be assigned to him a prebend.” This injunction was equally insisted on by one of the General Councils of Lateran, and finally confirmed in its 5th Session by the Council of Trent. Such was the origin of popular education throughout Europe. We find strong traces of it in England, and still stronger in Scotland. The Parochial schools *

extended character. By the Act of the Scotch Parliament passed in that year (*Will. and Mary, Sess. 6. c. 26*), the several rights and duties of the Government and the People in providing for the education of the public, were exactly determined. This Law has worked well. In the year 1835, why should England and Ireland be still without one.

* *Parochial Schools.* Statutes have been passed not abrogating, but confirming the Statute of Henry 8th. The 7th William 3rd, in language still more precise than that Act, requires that every clergyman on induction to his living, shall take the following oath:—“*I do solemnly swear that I will teach, or cause to be taught, an English school within the vicarage or rectory of—, as the law in that case requires.*” By the same Statute, to the intent that no pretence might be made or used, that there were not sufficient number of schools in this realm to instruct and inform the youth thereof, in the English language and other literature, it was enacted “*That the Act of Henry 8th, whereby it was provided that every incumbent should keep or cause to be kept an English school, should thenceforth be strictly observed and put in execution.*” These are the ordinances of the Church and State. How were they observed? The Report of 1790 after recognising the obligation to its full extent—states,—“That in nearly one half of the united benefices, and single benefices not united, in this kingdom a general usage has prevailed, by which the said stipend has been limited (some very few instances excepted), to 40s. yearly that the allowance of 40s. yearly is a recompense totally inadequate for the performance of that duty—and yet this small allowance is not paid in one half of the united benefices and single benefices not united in this kingdom.” The Report goes on “In the 29 dioceses from which the said Returns have been made, the number of parishes is 1699, comprising 838 benefices.”

“It appears that 352 only of the said 838 benefices have Parish schools which are kept in no instance by the incumbents or their curates, but by deputies or persons paid for that purpose, which

date from an ancient Act of the Scotch Parliament, a transcript of the old Canon law, and not as Dr. Chalmers supposes from the later law of William, or the gradual innovation of the Reformation. The Reformation adopted them, as it did many other Catholic institutions—they were preserved, but not created. The law of 28 Henry 8th c. 15, itself, bears internal evidence of this origin:—telling “beades in English,” is coupled with literary instruction. By that law, popular education was not for the first time established, but sanctioned by the new ecclesiastical authority instead of the old.

The Statute, almost a copy of the Canon, directs every Archbishop and Bishop “to give a corporal oath to every

person on his admission to any dignity, benefice, office, or promotion spiritual; that he shall, to his wit and cunning, endeavour himself to learn, instruct, and teach the English tongue to all and every being under his rule, &c., &c., and keep, or cause to be kept, within the place, territory, or parish, where he shall have pre-eminence, rule, benefice, or promotion, a school to learn English if any children of his parish came to him to learn the same, taking for the keeping of the said school such convenient stipend or salary as in the said land is accustomedly used to be taken.” Archbishops and Bishops, omitting to give the said oath, are to forfeit 3*l.* 6*s.* 8*d.*, and beneficed clergymen not observing it, to forfeit 6*s.* 8*d.* for

stipend does not exceed (some very few instances excepted), 40*s.* yearly.”

“In 74 of the said 838 benefices, the clergyman pays 40*s.* yearly as an allowance for a schoolmaster, without *causing any schools to be kept.*”

“And in the remainder of the said 838 benefices, being 412 in number, we cannot discern by the said returns that the clergymen *kept any schools*, or that they *pay any salaries to others for keeping them.*” Where were there oaths?

“This fact it has humbly submitted, is much to be lamented, since we find that above 11,000 children receive instruction in reading, and, for the most part, also in writing and arithmetic, in the schools of this class; though, as we apprehend, they are not kept in very considerably more than *half the benefices of the kingdom.*”

“It appears by the said returns of the 29 dioceses, that there are 201 school-houses in which the said schools are kept, and about 44 acres of ground, chiefly in small parcels, belonging to some of the said school-houses.”

“The prices paid for instructing the children are generally from *one to three shillings per quarter.*”

Such was the state of those Parochial Schools in 1788 and 1790. But perhaps they have improved since. Let us see:—

1788*	Number of benefices inspected ..	838
	Schools kept	361
	No schools whatever kept	403
1810†	Number of benefices inspected ..	1125
	Schools kept	549
	No schools kept	187
	No return	389
1823‡	Benefices returned	910
	Schools kept	321
	No schools kept	135
	No return	454

* Report.—(11 Rep. Com. Educ.)

† Parl. Pap.—Schools. Sess. 1823.

‡ 14 Rep. Com. Educ.

These eloquent figures need no comment. But, doubtless, there were good Church-and-State reasons for all this. It is worth while inquiring what these reasons were,—what were the apologies put forward for this immorality, by these *ex-professo* moral men?

One calls the statute “*oppressive.*” —The oppressive obligation of teaching the people, by the salaried instructors of the people! The Statutes legalizing tithes are not deemed oppressive.—Oh, no!

Another calls it “*impracticable.*” —Yet in some parishes it has been *reduced to practice.* Look at the Report. Why not then in *all*? Besides, if impracticable, why take the oath? Why swear to do what is *impracticable*? Why swear at all?

A third calls it “*obsolete.*” —Obsolete means “fallen into disuse.” Who allowed it to fall into “disuse?” The very men who were sworn to preserve it! The people had nothing to say to the neglect. We do not hear of tithes becoming *obsolete*,—we hear only of the *indefeasible* rights of the Church. Are the people only to have no such rights? Are they always to be barred?

A fourth calls it “*superstitious.*” —The superstition of providing schools at the people’s expense, for the people! The detestable Popish superstition of instructing the ignorant, reforming the vicious, giving strength to the weak, and light to the blind. Why were all these “superstitions,” so religiously thrown away, and the equally Popish “superstition” of tithes so religiously preserved?

Such is the plea of the Church; the State affects to be more conscientious. In 1811, the then Secretary of State, Mr. Wellesly Pole, in a fit of virtuous indignation, declared, that in this particular, as well as in that of the Diocesan schools, he should look to the oath of the Protestant clergy. Did he? What was the result? It is enough to say, he was an Irish Secretary. The Church smiled, and things remained as they were.

for the first offence, and 20s. for the second, and their benefice for the third. Here, then, was quite as good a basis for a system of parochial education, as that which existed in Scotland: in both countries it lay in the hands of the clergy. How came it that the same system produced such very different results? Oaths, fines, laws, were ineffectual in Ireland; the whole scheme failed: in Scotland it took root and flourished. The reason is clear. The system in Scotland was national; in Ireland it was not. The schools were English—the people Irish:—the schools became Protestant—the people remained Catholic. It was not education but proselytism: it began by attempting to proselytise to England; it now continued to proselytise to Protestantism. The supply was there, but no one came for it; the demand diminishing, the supply soon fell off. There were no scholars, and soon no masters. Parochial schools were dispensed with in many cases—the Statute, itself was despised as “obsolete,” “impracticable,” “superstitious;” but the oath was still taken, and the tithe, though subject to such condition, retained. Neither penalty nor forfeiture was enforced:—the Bishops who were the persons to enforce it, were co-partners in the offence. The Bishops achieved, on a larger scale, in the instance of Diocesan schools,* what

* *Diocesan schools.*—The Statute 12 Eliz. c. 1, adopting the canon of the Catholic Church, and applying it in the principle set forth in the Statute of Henry, enacts “That there shall be henceforth a *free school* within every diocese of this realm of Ireland, the master to be English, the Lord Deputy to have the nomination, except in four dioceses, Armagh, Dublin, Meath, and Kildare:—the school to be placed in the principal shire-town at the costs and charges of the whole diocese, without respect of freedoms, by the oversight of the Ordinaries, of the Vicars General, *sede vacante*, and the sheriff of the shire. The Lord Deputy or other governor of this realm for the time being, with the advice of the Council according to the quantity and quality of every diocese, to appoint for every schoolmaster such yearly salary, where none is already appointed, as he, with and by their advice, shall think expedient, whereof the *Ordinaries shall bear for ever the third part, and the parsons and other Ecclesiastical persons of the same diocese, the other parts by an equal contribution,*” &c., &c.

How has this Statute been obeyed?

By the 12th Geo. 2nd c. 6, s. 9, Grand Juries

each of their beneficed clergy achieved in that of parochial schools, on a smaller. Burdens and duties imposed upon them both by law and religion, they contrived gradually to shift from their own shoulders to those of the laity,—as in the case of charity and church repairs, so also in that of education, the obligation was forgotten, but the funds given for its performance were kept. The laity had thus to pay twice over for the same object: both payments were heavy, and the duty ill-performed after all. Had the Protestant clergy of Ireland been more tenacious of their oaths, and less of their revenues, like the Lutheran clergy of Prussia and Weimar, or the Presbyterian of Scotland, we should not now have to call upon Parliament for a 35,000*l.* grant, nor to mourn over the immense cost and injurious results of most of the education systems of Ireland. This, however, was not their object; the object of the Church, and therefore of the State, which was but its servile instrument, was not education, but submission. Not only did they shut up their own schools, but they would not allow of any other. From

were *empowered*, from time to time to present *proportionably* for the building and repairs of those schools. This was found *inconvenient*. They were, therefore, subsequently empowered to assess for the *whole* of such charge, the Bishop and clergy still, however, religiously engaging to pay the teacher.

“From this institution,” says the Report of 1790, “the public receive *very inadequate* benefit. In many dioceses there are *neither* Diocesan schools, nor school-houses; in many, the houses are *ruinous*, and the mastership of the schools mere *sinécures*.” From the Table annexed to the Report, it would appear that there were only eighteen schools in existence at the time, and not more than five serviceable; the clergy, alleging the law, refused to repair them—the Grand Jury, alleging the neglect of the clergy, refused to fulfil the law. The schools were *free-schools*. The law was imperative but inoperative—so say our later Commissioners. Out of the total (324) educated in that year, not more than twenty-five were free. Boarders, at twenty-four guineas per annum, and day-scholars at four, filled their place. For the whole of this national education for the middle classes, the clergy paid 616*l.* 5*s.* 7*d.* What did Irish benefices average in that year? Many, it is to be presumed, were worth twice 600*l.* Subsequent years made little improvement, as will easily be seen by comparing the following official details:—

William 3rd* down to George 3rd knowledge was almost as much interdicted to the Papist as liberty. Catholics not only were not permitted to endow schools, but parents were not permitted to educate their own children. It was penal to give them education abroad; it was penal to give them education at home, unless it came from the Protestant clergy. As in Scotland, so in Ireland, zeal for popular education is ascribed to the Reformation; but in the latter case the assertion is totally incorrect. Nothing was allowed but what came through the hand, and bore the license stamp of the task-master. This, it is true, was but one stain in a statute all of blood,—but it was a stain of a deep dye; it was a cruelty far beyond the ordinary barbarity of blood. It found where the soul chiefly lay, got at it, and attempted to crush it there. If the son became Protestant, he could gavel his father's

estate. Well; the object of these Protestant schools was to make him a Protestant. Let us now see how all this worked for the social and moral improvement of the nation. Take a father, weak enough to rely on the faith of these institutions for which he paid,—sending his son to one of these schools, the old inheritance of the nation—fearful of the laws, but still more fearful of ignorance—and awaiting with impatience his return. The child of his old age—loving and beloved at parting, comes back with another creed and another heart—corrupted by the very law itself, the guardian of domestic duty and public morality—despising his father, envying his brother—grasping in thought already the bribe which the State, the Church—a Christian Church—holds up to his avidity. These things seldom occurred, but only, because they were seldom

Years.	Diocese.	Dioc. Schools.	Sal.			Boarders.	Scholars.		Total.
			£	s.	d.		Day.	Free.	
1788	34	18	616	5	7	46	253	25	324*
1809	34	13	..	..	..	..	..	..	380†
1821	34	15	450	0	0	..	..	..	.. ‡
1823	34	16	500	0	0	..	..	19	..
1831	34	12	..	..	..	..	..	74	419||

Was the law repealed, or a dispensation granted?—How are we to account for these defalcations? What is the meaning attached to it by the Church and the Government? The Fourteenth Report of the Commissioners of Education is signed by the Primate and other dignitaries of the Church, and by persons connected with the Government. What does it state? "That it would be highly expedient that the contributions of the clergy should be paid with *greater regularity* and to a *greater extent* than usual. It might not be unreasonable that they should be rated at a sum not exceeding 2½ per cent. of their respective incomes." If this were enforced throughout Ireland, should we require to call on Parliament for 35,000*l.* a-year? Why, then, is it not enforced? The Archbishop of Armagh himself recommends it. And we still hear of the sacrilege of appropriation! What is it but "restitution?"

Precisely similar were the abuses of the *royal schools*. They were founded in the first year of the reign of Charles 2nd, and endowed with a property of 13,672 acres, which in 1831 produced 5,800*l.* per annum, for which were educated sixty free day-scholars, and ten

free boarders! These, too, were national institutions.

* *Laws of William to discourage Catholic Education*, 7 Will. c. 4. Act restraining Foreign Education. 9 Will. c. 1. Act banishing Popish Archbishops, Bishops, and Priests. Every Popish school-master, tutor, or usher, was subjected to the same penalties as the Popish clergy, and 10*l.* offered for his conviction.

P. 15. *Charter schools*.—In 1741, ten years after the Charter, the Society had established eighteen schools, educating 372 children, after having disbursed about 10,000*l.*

In 1751, ten years afterwards, they had established thirty-five schools, at which they educated 1,022 children, having disbursed 54,000*l.*

In 1761, (next ten years) they had established forty-seven schools, at which they educated 1,979 children, expending 100,000*l.*

In 1787, there were about forty schools, 1,800 scholars, annual expenditure 12,000*l.*

From 1787 to 1799—grant 150,000*l.*—schools forty—annual expenditure 20,000*l.*

From 1800 to 1825—grant 27,000*l.*—schools thirty-five—1870 scholars—annual expenditure 35,389*l.*

This gives for the annual average cost of each school 1,000*l.*, and for the cost of each child 18*l.* 18s. What an education could be had in Germany, in half the time, for half the price!

* Report of Commissioners, App.

† Fourth Report of Commission of Education.

‡ Sessional Paper, 563.

|| Rep. of Dioc. Schools, 106.

risked. The parent, who after one example of the kind, could send his child to such a school, instituted to teach rebellion to parents, hatred to brothers, was no parent; he deserved the retribution of despised grey hairs, and unsupported old age brought down in sorrow to the grave. Nor, if he took the alternative, and educated abroad, was the grievance less intolerable. His son outstrips, we will suppose, all competitors in some foreign University; he returns home crowned with every literary honour; how is he met on his first landing on his native shores? with the congratulations of his country? No, but with the brand and punishment of a felon. Yet with all this, Protestantism did not increase, Catholicism did not diminish—the only effect the system had was to destroy or to pervert education. If it gave any, it was miseducation: to the Protestant, the education of an arrogant master; to the Catholic—of an indignant slave. This “national education,” as it was preposterously called, this “national religion,” not more national than the education, which was its handmaid, was to civilize each, and it barbarized both. Empty cathedrals and ruinous schools were its monuments; a coterie instead of a church and a corporation assuming the name of a country, were its administrators. In the reign of Anne and of the Georges, the evil was somewhat seen; but was it remedied? Far from it; the rulers of the country went on in the same blindness, flinging the blame on the barbarian people, which should only have been visited on their own barbarous laws—attempting to remedy what was irremediable, and to perform what experience—which teaches even fools—had told them, was utterly impracticable. The 8th Geo. 1st empowered Bishops and dignitaries to grant two acres, if a Bishop, and if otherwise, one of glebe-land, for Protestant schools. The 5th Geo. 2nd c. 4, gave similar power to tenants in fee-tail, or for life, to grant to Churchwardens for ever, one acre of 30s. yearly value, “for the use of a resident schoolmaster, to teach the English tongue to such children of poor Papists, and all others as would resort to the same.” But did the Catholics resort to these schools, or were there others to take their place? Were the schools even built? I beg the attention of the House to the application for the Charter-schools, which followed soon after: we shall there find an answer.

It declared, in very express terms, “that in the provinces of Leinster, Munster, and Connaught, the Papists far exceeded the Protestants, of all denominations, in numbers;” that there were great tracts of land entirely inhabited by Papists; that they were kept by their clergy in great ignorance of true religion; and that the creating of Protestant English schools in those places was absolutely necessary for their conversion; that the English parish schools already established were not sufficient for the purpose, nor did the residence of the Protestant clergy fully answer that end. “That it was necessary, therefore, that some other place of education might be found,” &c. &c. But why did it not answer that end?—and, not answering, why did not the State resume the emoluments, with the functions, into its own hands? Instead of altering the system, they deigned not even to inquire into it—they attempted to remedy old blunders by adding new. The English parish schools were declared insufficient; but the clergy, instead of being compelled to make them sufficient, were allowed to throw themselves for assistance on the State. The laity were to be taxed for the defalcation of the Church—the Parliament had to pay masters for duties which the clergy had sworn to perform. This was a monstrous pretension;—monstrous as it was, it was acceded to. The Charter-school system was established—the first instance of the interference of the State. Instead, however, of taking the funds and duties at once into its own hands, it abdicated its power, it instituted new societies, as auxiliaries to the Church, from the taxes of the people,—stayed with buttresses what it ought to have taken down—and still called the system “national.”

The Charter-school system was ultra-fanatic—it was formed for the purpose of fanaticising the country—it out-churched the Church; it was determined to educate outright into Protestantism, and carry the nation by a *coup de main*. No longer waiting for the slow coming-in of the refractory, it tore the child from its mother's lap, changed the name, broke the links of its existence, and, creating orphanship in the lifetime, even of the parent, made it an alien in its home, poisoned the charities in their very source, and shook society to its very centre. If, amongst the rich, this cruel charity for “the souls of the poor benighted crea-

tures," as a Pharisee of the day called them, created rebellious sons; amongst the poor it did worse—it deprived parents altogether of their children. Yet, for a long time, this system was said to flourish; miracles were recounted of its grace and efficacy; Popery was supposed to be at its last gasp, and the great object fully effected;—yet years went on, and the Catholics were, still, millions. The Charter-schools contented themselves with the wages, and gave up the labour of the vineyards: they lost all energy, and preserved only the bigotry, of their formation: unheeded and unwatched, they soon fell into abuse, then into a lethargy. In a short time there were no scholars, but victims or renegades; no masters but profligates and sinecurists. To inquire was to accuse; the slightest complaint was an impeachment of Protestantism. Why should I detain the House with dwelling on their atrocities, on the cruelty of the teachers, the ignorance and immorality of the scholars; on the horrors of the schools of Sligo, Lisburne, and hundreds of others. One million five hundred thousand pounds was lavished on an infamous bubble: the cost of each child was nearly 20*l.* per annum, and of each apprentice 30*l.*; yet pupils, it was complained, were not to be had, and no one would take their apprentices. In any other country but Ireland, it could not be believed that the voice of a Howard, crying aloud against such a social monster, should cry in vain. Yet he, and others like him, were not heard by the adder's ears of a corrupt Church and a venal Parliament. It was not till 1825, that the full light of day, broad and blazing, was let in on its atrocities. In that year, Parliament instituted proceedings against its administrators, and solemnly declared "the evil was so monstrous, it could not be corrected." The Parliament was a Tory, a Protestant, a Church-ridden, and Church-protecting Parliament; yet this education (I profane the name) still endured, and still continued to be called "national."

The Charter system failed, and new "National" Societies were called in, or rose up, to supply its place. The Association for the Suppression of Vice, first appeared; it adopted a new *tactique*—the *suaviter in modo* for the first time was added to the *fortiter in re*. They could not take Popery by assault; circumvalla-

tion and mining were substituted; yet all was still Protestant; Protestant books, Protestant catechisms, Protestant preachers, and Protestant patrons. This was another specimen of "nationalising" instruction for a nation of Catholics. A host of similar Joint-stock Companies, for the curing of Catholic souls, rather than the instruction of Catholic minds—the Baptist, Hibernian, and others succeeded terminating, at last, in the Kildare Place Society.

It is not to be expected I should abuse the patience of the House with details of these, or other similarly-formed Societies. Suffice it to say, the old system, though mitigated, still prevailed throughout. Always working in a Corporation spirit, jobbing on the public necessities, fulfilling, very inadequately, their own promises—and ostentatious prophecies—of success, they were totally inadequate to supply the enormous deficiencies of former systems. The Church had transferred its powers and duties to these educating clubs; it was now found necessary to transfer them anew from these educators to the Government. In 1819, the Lord-lieutenant was empowered to advance money for the building of schools, under certain conditions, to voluntary subscribers. The form of proceeding was, in some particulars, objectionable. Application was to be made, by memorial, to the Lord-lieutenant. The memorial was to be referred to Commissioners, who, on obtaining answers to queries as to the quantity of land proposed to be given for the school, the number of pupils, the cost of building, made grants to perpetual trustees, (the Protestant minister and Churchwarden of the parish), for the purpose. Here, again, was proselytism, with great difficulty in fulfilling the conditions, (far too heavy and complicated,) conjoined. The results, as may be anticipated, were trifling in most instances; in some injurious.

In this state lay education, when the Kildare Place Society arose. Its first manifesto indicated a wonderful softening of the old Protestantising spirit. It was at length openly avowed, that proselytism was a vain attempt. The Reports set out with stating, that they had applied their efforts to the framing of "a system which, whilst it should afford the opportunities of education to every description of the lower classes of the people, might, at the

same time, by keeping clear of all interference with the particular religious tenets of any, induce the whole to receive its benefits as one undivided body, under one and the same system, and in the same establishment." Nothing could be fairer; it is precisely what I now propose. Had such manifestos been adhered to, the Catholics, who at first crowded their schools, would have continued to crowd them still. How much a contrary conduct was pursued, it is surely unnecessary, after so many and such prolonged discussions, to remind this House. But, were the leaven of the old sectarian spirit perfectly expelled, I still question whether the constitution of the body was not radically defective. It was a Society unconnected with the Government, and collaterally, only, under its control. It was a great mistake not to have at once thrown aside all these Companies, and formed, without further delay, a Board—national, in the fullest sense of the word, linked with the executive on one side, and with the people on the other;—but private interest, or mistaken prudence, in despite of common sense and justice, prevailed. The Commissioners of 1812 (Twelfth Education Report), suggested another course. It was thought right, in order to try the experiment just noticed, to make a Parliamentary grant to an institution already in existence, rather than to appoint a new one for the purpose, as if innovation, and not the adaptation of the machinery to the purposes intended, was the point in question. A grant was made on this suggestion; and no sooner made, than principles concealed in the programme, and hitherto kept in the back ground, began to develop themselves. The Bible was required to be read in their schools without note or comment. The Catholics rest the interpretation of the Sacred Writings on authority—the Protestants on private judgment. Here, then, was put at issue the cardinal demarcating tenet between the two great religious denominations. The usual evils of the society system now followed. Patrons interfered—private feelings, sectarian hatreds, political animosities, sprung up. Compromises were, indeed, attempted by the Catholic clergy, but they failed. New violations of the primary rules constantly took place. Like all other preceding Societies, it at last became, though under a gentler form, proselytising. The new

Reformation, then in its march, added fresh virulence to the quarrel—the people, alarmed, drew off,—the Society was comparatively left to itself,—education, as of old, became confined to a party,—the ancient evil was revived,—the public money was given to a section of the State—and the great mass of the nation still remained without a "national education." Yet, all this time, it must not be supposed that education had made no progress: much was done by the very obstacles which opposed it,—much by the times,—much by the Society itself. The mechanical portion of education was advanced—schools were built—books published—teachers, as it was called, "trained." More important than all, men began to think of education,—abuses were hinted at,—inquiry, calmly but surely, went on.

The results of these inquiries were brought to the surface by the Commission on Irish Education. It conferred an invaluable benefit on the country—it cleared away the rubbish of the old structures, and shewed how a new structure might be raised. The Committee of 1824, still more precise, determined a plan,—the Catholic hierarchy almost unanimously seconded it; their joint recommendations were repeated in the Report of the Committee of this House in 1830, of which my right hon. Friend, the Chancellor of the Exchequer, was chairman. Yet all these inquiries, all these recommendations, all these solicitations, were neutralized, eluded, or opposed by the mole-eyed, anti-national policy of the then Government. The old machinery, rickety as it was, was continued; it was urged that this Protestant education *ought* to be accepted by a Catholic population; as if, in any question of this delicate and difficult nature, it is sufficient to say "ought." You may offer to sell, but you cannot force to buy. Your system must be acceptable, to induce people to accept. The failure of the Kildare Place Society proceeded from a total ignorance of the state of Ireland, and of the laws of mind. It really refused, whilst it affected to give; it deferred education to a period which was likely never to occur,—till the nation should become Protestant. Such a system was not national,—the mass of the nation was virtually excluded—for such a system the nation had no right to pay. But it was not sufficient to destroy; we had a more

difficult task imposed on us—to build up. The failure of the Kildare Place Society, however, not only decided what should be done, but also taught us by what means, and in what manner, we should do it. It shewed us the necessity of taking things as they really were, and of framing our plan, not with reference to some visionary contingent state of the country, but to the living actual man. It convinced us that we must at once get rid of joint-purse converting societies, private patronage, and oligarchical pretensions, and reinstate the nation in its original rights: to make education popular, it was essential it should be an education really and *bonâ fide* for the people. Hitherto we had had no national education; but there was no good reason why we should not have one. I, for one, could never see any circumstance which could forbid the experiment.*

I had scarcely been honoured with a seat in this House when I made efforts to put this conviction into deed; not only to act up to the recommendations of 1824 and 1830, but to go far beyond them. I drew up a series of queries in February 1831, relative to a most extensive plan of education—an education in every sense “national,” and addressed them to the Catholic Prelates, and to several of the most distinguished members of the Protestant and Presbyterian communions. The answers received were, with few exceptions, perfectly consonant to my views. I brought in the Bill to which I have already referred, embodying a portion of those views, in September; and as I have stated, Mr. Stanley—originally opposed to the arrangement—adopted them in the October following; and with a spirit which considering the difficulties he had to con-

tend with even in his own department, does him high honour, established at once the present Board. The experiment has been, as I have already observed, satisfactory; but the defects existing at its formation exist still; above all, it still retains its temporary character, it is still no more than an experiment. The object of my Bill is to remove the defects, to extend the powers, and finally to render the operations sure, and the duration permanent. But I go far beyond this,—I begin with elementary—but I extend my views to a reform of every other class of education—from elementary to superior. This may appear an ambitious attempt, far beyond the powers of any single individual, much less of so humble a one as myself. Perhaps so; but there is no harm in tracing, at the very outset, a broad and consistent plan. Harmony in any system, especially in a system of National Education, is a matter of great importance, and when once a just principle is established, the working it out into its details is comparatively a matter of little difficulty. Neither does it impose on us the task of working out the whole at once. We may take what portions, and at what times we please. It merely protects us from a kind of legislation to which, unfortunately, we are too subject—legislation by scraps, for the immediate purpose, without reference to the ultimate whole.

I propose, then, in the first instance—recognising as I do the directive principle—to establish a Board of National Education in Dublin. The construction of this board should be as impartial as it is possible. It should be composed, therefore, of various persuasions, professions, and interests. The Protestant and Catholic Archbishops, and a Clergyman of the Presbyterian body, should constitute the clerical—the Secretary for Ireland, and five other Members, one from each of the four provinces of Ireland, and one from Dublin, the Lay portion of the body. This has nearly been effected in the organization of the existing Board. It requires only the addition of a Member from Ulster to complete the Lay Members. If it be right that the minister should have a council, it is not less right that the council should have a responsible minister for its head. The Chief Secretary for Ireland, for the time being, ought to be its president, and thus *ex officio* the minister of Public Instruction for Ireland. I give the appoint-

* *The Association for the Suppression of Vice*, in 1824, educated 15,922; and the *Kildare Place Society*, so early as 1825, boasted of their 1490 schools, and 100,000 scholars. Since 1831 the existing Board has received from Parliament 96,388*l.* 13*s.* 11*d.*, for which they have aided 1106 schools in actual operation, and agreed to grant aid towards the establishing of 191. There are in attendance in 723 of these schools, from which returns have been received, 110,372 scholars; and taking the average at 152 at each school, the whole number of scholars at all the schools, may be calculated at 168,588; to which, if the schools now in preparation average the same, we may add 29,032 more, making a total of 197,620 scholars; some contrast, certainly, to the 1870 of the Charter School National Education.

ment of the members to the Lord-Lieutenant. I have considered maturely this question; and there is less difficulty in vesting it in his hands than leaving it to election of the people, or to election of the Board itself. Ireland, divided as it is, would send in partisans to a body, which, of all other bodies in Ireland, would require calmness and impartiality. Vested in the Board itself, it would ultimately convert the Board into a close corporation. I see no just ground for apprehension of an increase of Government patronage. This is not the day of prerogative. In a free country, the Government is really the servant of the country. If the representative body be truly such, and you place under its control all the great departments of the State, you may increase their power as you choose, you only increase the efficiency of the organs and instruments of the people. I fear not, therefore, to give this body all powers necessary for the ends for which it is instituted—requiring from them, however, in return, duties conducive to these ends, and subjecting them to the strictest inspection and control of Parliament. The end of these institutions is, to improve, extend, and permanently secure education. One of these objects, without the other two, will not be sufficient. Extend instruction, as I have already said, without improving it, and you extend an evil; if good, and not extended, its benefits are trifling; if extended, and liable to change or interruption, you cheat the public with a mere illusion. To effect these purposes, the Board should be empowered to purchase land, to build school-houses, of every description, from the Infant-school to the highest Primary, houses for teachers, and all buildings necessary thereto; to annex land for play-ground, gardens for teachers, and for purposes of agricultural instruction, to outfit with all articles necessary for teaching, books, libraries, collections, &c. &c. All these expenses should fall exclusively on the board.

By the present system, no school can be founded or aid granted by the Board, unless on the specific condition of the parish furnishing; for the first outlay, one-third, at least, of the expense. I am aware that in Prussia, this principle is carried further; the parish furnishes the entire; a duty performed, on the contrary, by the church in Weimar; but neither of these precedents ought to weigh against the experience of positive inconvenience. Many

parishes are too poor to furnish a large present outlay in money; and what happens? They either remain without a school, or the money is advanced by some rich individual, who repays himself back in patronage (and patronage of the most injurious kind too), what he had momentarily lent to the parish. I wish to rescue the people from wearing the livery of any man; and to convince them, that whatever they have, it is thoroughly, and for ever their own. The objections against such arrangement, on the ground of the expense entailed on the State, are futile. The expense which the State has to bear, ceases with the purchase of the land, and the building and outfit of the school: it must therefore diminish every year; and, finally, very nearly terminate altogether. A large proportion of schools are already established; school buildings may be purchased, in some districts, at a slight expense; nor is this all—the Board providing the land obviates all chances of litigation, so incidental to the actual trustee system; it prevents the selection of bad sites, so common at present; building the school ensures a cheap and a good model, and fitting it out, gives a guarantee that the parish will always begin with a proper type of what a school ought to be, before their eyes. It must also be remembered, that the Board is exempted from the payment of teachers—another great reduction, not only of expense, but of business; it is necessary, on the present system, very frequently to keep an open account with the teachers of schools under the jurisdiction of the board. These provisions enable the board to extend education as widely as they may desire, and give ample assurance for its permanence, when so extended. But a far more important consideration still remains, the giving a high and useful character to education. This object embraces two considerations—the providing a good code of education, judicious general regulations for the management and teaching of their schools, and proper instruments by which these regulations may be put in practice. I propose, therefore, requiring that the Board should draw up such regulations, within a specific period, with the approbation of the Lord Lieutenant, to be laid before Parliament, and published generally throughout the country; I give them power, also, under certain restrictions, of modifying and altering these regulations as may be found re-

quisite. It would be out of the range of an Act of Parliament to embrace one-twentieth part of such regulations, nor does such appear to me to be its legitimate province. The French code of 1834, has gone too far, perhaps, in that particular; but the French code, full and detailed as it is, has already required a great number of supplementary *ordonnances* and circulars from the government. As to the Prussian, it has more the character of such a regulation than of a law, and besides, it must be remembered, that it emanated from a single minister, and not from a deliberative representative body, like this House. I conceive, therefore, that in constituting this, like every other department, it is sufficient to give ample powers, and subject their exercise to the control of Parliament.

Hence, in this Bill, as well as in the former, I omit all regulations in respect to religion. In the former instance, I was in consequence accused, by no very judicious or impartial inquirers into the matter, with a total indifference to the subject. Had they taken pains to read even the preamble of the Bill, they would have found that, in that very part which is supposed most sacredly and strongly to embody its spirit, I had solemnly consecrated the principle, that all education should repose on religion—instruction without it, may lead to knowledge, but cannot lead to virtue. The Tree of Good and Evil should not be separated from the Tree of Life. This, I repeated, was my conviction, but I was, also, not less sensible that in a country like ours, circumstances and localities must guide in the application of this principle. Prussia has, with punctilious attention, considered the religious feelings of even the smallest sect amongst her subjects; so also has France. There are Protestant schools and Catholic schools, and mixed schools; schools, in fine, for every class of feeling, as well as of individuals. All this is a matter of specific regulation, determined by circulars of the Council of Instruction, and not by the body of the law. The instruments for communicating education are teachers and books. These are the especial province, the highest province, of an enlightened body like the Board. They are the all in all of education. To think of diffusing instruction without instructors, is beginning, like the philosophers of Laputa, from the roof. You build schools, but you do

not give education. Hence it is, that the Irish in so many instances are informed, but not educated. The usual mode of selecting at present is by examination.—But Scotland is a proof how little that can be relied on. Cramming, a glib tongue, and bold nerves may introduce, as it has done, blockheads into the seat of modest and timid learning. As to certificates, they are as proverbial for falsehood as any other species of puffing. You require, then, besides examination, a previous course, well digested, well pursued. A dunce cannot play the clever man for four years, though he may for four hours, without discovery. Teachers' schools, *Education* schools, not *Training* schools, (for that sounds technical and mechanical, the manual exercise of instruction) should, before all things, and above all things, be established, directed, and maintained by the Board. It is apprehended that this will produce too great a uniformity, and degenerate at last into a monopoly. That would be a serious evil. I have as earnest a desire as any man to preserve entire the perfect freedom of education. Its action should in no wise be hampered either by bounty or prohibition. A Leviathan, all-absorbing education company would only be a manufacturer of slaves and fools. I guard, therefore, against such a *pernicious barathrum* as much as I can. Cases may arise where Teachers' schools may be usefully conducted by individuals, or in courses for the same purpose annexed to Universities. Either would undoubtedly promote the great general purposes of education—each should be liberally and cordially encouraged. One of these cases has come within my own personal knowledge. A gentleman, distinguished not merely for his high literary and scientific attainments, but still more for his long experience and true views on education, (Dr. Bryce, of Belfast) had long desired to establish in the institution on which he confers such honour, by being its head, a regular course, based on what alone it should repose, the science of mind. Deeply impressed with its paramount importance, I applied to the Government, so early as 1831, for a grant of 2,000*l.* for the purpose, repayable by tickets, to such teachers as Government might think proper to select for the course. The course was most ample, in point of time and studies, and would soon have raised up a body of teachers in

the country superior to those who owe so much to Professor Pillans, and Mr. Wood, in Scotland. His colleagues offered, in the noblest manner, their assistance.—There was no doubt of success if the experiment had been tried. Government, after solicitations, I must say, the most zealous, seconded by names the very highest of which the cause of education can boast, refused, on the ground that the Board had not the powers for the purpose. I propose to give them such powers of aid whenever such a case as the one instanced shall present itself. I go further—I admit to the examinations for place of teacher such as have been educated at any such school, or have attended any such courses, and I enjoin the publication of their names in a list of approved candidates once a-year, that the country at large may be acquainted with their merits, and know whom, and how to select. But students for such professions cannot be expected unless you first raise the profession itself. I would place it therefore, by every means in my power, on a par with the other learned professions; I would make it a fourth learned profession, if possible. But this cannot be done, unless you first make it respectable. I, therefore, give the Board power to promote; to reward with honorary and other distinctions; to ensure with the approbation of the Lord-lieutenant, retiring pensions; and, in certain cases, to extend them to their families.—The school salary conferred by the parish guarantees their independence; the school fees paid by the children stimulate their exertions. I leave the appointment of Teachers, where it ought to be, in the hands of the Board. The people may be judges of moral character, they are no judges of competency. All opinion of that kind must be taken second-hand, and then you open a wide field to intrigue, despotism, and servility. Books also should be provided for the people, though not forced on them. Prizes should be given by the Board for the production of good books, and not only for them, but for every species of information which can tend to advance education. The great, the paramount, utility of such a body, is to receive the scattered rays of knowledge, whether from this or other nations, and to reflect them back concentrated on the country. Such works are not below the highest intellect in the land. A more noble spectacle cannot be conceived than

to see the great lights of the age bending down to shew the way to these "little ones," and difficult is the task as it is high. It may well put to proof the prowess of the boldest amongst us. In that particular we are in arrear, though recent efforts shew we are becoming sensible of it. Look to Germany—look to France; their school-libraries abound with a profusion of excellent works; look even to America; why are they unknown to us—why are they not ours also—why have we not as good, or better? The Board should establish in each parochial school—a parochial library. It can be done (I speak from experience) for the sum of 15*l.* to 20*l.* I would not only extend thus the education of the child beyond the threshold of the school, but I would make it an instrument for the education of the parent, and a stimulant to watch over the education of the child. The library should be open to all families whose children were in daily attendance at the school. To enforce the whole of these regulations, the Board should appoint school inspectors—a Catholic and a Protestant in each province—and should see that they reported at least twice in every year. In like manner the Board should report to Parliament. Such are the powers and duties I propose for the Board.

I now turn to the people. The province of the people is, to aid and maintain.—When the Board wishes to found a School in any particular parish, I propose that they should transmit to the parish, through the Clergyman, magistrates, &c., a proposal to build and outfit such school, &c. &c., provided the parish, on its part, should consent to assess itself for the payment of the teacher, the repairs of the buildings, and the daily and incidental charges of the school. The parish, on meeting (I specify minutely the qualifications of the voters, mode of meeting, &c.) assent to, or dissent from, the Proposal of the Board. If assented to, the assessment or school rate is to be levied on such parish by the Grand Jury Collector on the opening of the school; notice is transmitted thereof to the Board, and the Board complete the work. The parish elect at the same meeting which votes the assessment, a School Committee of which the Protestant, Catholic, and Presbyterian clergymen, the senior Magistrate and medical officer of the parish, are permanent members—the others, equal at least in

number, are elected from the rate-payers, and removeable once a-year. Should the parish wish to establish a school, they are to address a memorial, either through the clergyman or the magistrate, to the Board, which thereupon, is required to send down a proposal, on which the parish proceeds as just stated. These powers given to the parishes are intended to produce a general and permanent interest in the school. I do not mean, however, to deprive the Board of the power of granting aid, under certain restrictions, for the establishing or maintaining schools. I provide for such cases in every possible way I can. I require, however, that whenever aid be granted, due security should be given for the payment of the teacher and maintenance of the school. Schools also already established, may, under certain conditions, put themselves under the superintendence of the Board. Such is a loose outline of the plan I propose for elementary education.

But education must not stop here. Our middle classes are, if possible, more in need of education, comparatively, than our lower—in some cases they have, in consequence, scarcely the character of a middle class at all. I would provide them, also, with their share of moral and intellectual food. The Board should be empowered, in the same manner as they provided land, built and fitted out Parochial schools for the parishes, to provide land, build and fit out county academies for the counties; provided the counties, like the parishes, consented to assess themselves, through their Grand Juries, for the payment of their teachers, and the annual support of these institutions. And pursuing still further this second grade of education, the Board should have like power to found and fit out provincial colleges, provided, (as is now done, for our District Asylums) the counties composing these Provinces would, as in the case of the academies, assess for their support. You would thus, by degrees, have thirty-two academies and four Provincial Colleges in Ireland. Nor let hon. Members be startled at the expense. We have commencements, at least, for the academies in the Diocesan Royal schools, and for the Provincial Colleges, in the institutions of Cork and Belfast. Special education, which may be placed also in this grade, is a matter more of interest to the particular profession, and to the individuals

who require it, than to the Government and the people at large. I do not propose to adopt quite the same rule in its regard that I have in the other; yet conditions of a similar nature might be made with the profession, which here would stand in lieu of the parish and the county—the Board making the outlay, the profession paying for the support. This, in the case of the Civil Engineer Department, would be especially desirable, if we are to judge from the examinations lately held before the Board of Public Works. The education of men, who are in some measure public officers, in a peculiar degree concerns the public, and ought to be, in part at least, an object of public outlay, (as I am informed it is in Holland), through the Board.

The third grade, Superior or University education, requires more care. As our Universities are now constituted, they cannot, without exciting great hostility and resistance, be placed under the jurisdiction of any public Board; but as it is important they should be in relation with such a Board, I see no reason why, of their own body, they might not constitute a Council to communicate, or give such powers to the University Board which now exists, limited, if they think proper, to such purposes. Another more material point is, the nationalising the University, and putting it in harmony with other portions of the national system. This can only be done by enlarging the present University, or by founding a new one. The fellowships, for the most part, being Ecclesiastical, cannot be thrown open to all persuasions, but an additional number of lay fellowships may be founded, to which, as to the professorships, Catholics and Dissenters, as well as Protestants, might be eligible, and the scholarships, to which no such objections exist, be at once thrown open to all communions alike. If this should not be practicable, why not, without further delay, found a second University? When ours was first established, the nation did not exceed a million; we are now eight. Germany, with 30,000,000 inhabitants, has twenty; the Netherlands have six, Scotland five, Ireland one. Cromwell thought of erecting a second one at Athlone. Is it less necessary now?

The last grade of education, to which I shall advert, is supplementary and subsidiary education. By the first, I mean that

description of education which supplies the want of early culture, such as adult schools mechanics' institutes, &c.; by the second, I understand all that contributes to continue or improve education already acquired, such as literary and scientific institutions, learned and other societies, museums, galleries, botanic gardens, &c. I would deal with these precisely in the same way as with elementary and academical education. The board should make the first outlay, provided the town or city consented to assess itself in a certain stipulated sum for their support. This expense to the State would, like that of parochial and other schools, be necessarily limited, and constantly diminishing, but it would effectually extend such establishments to every town in the land.

I have, as I stated at the outset, pursued the one simple principle throughout, modifying it only as circumstances required. It is not to be supposed that I hope to achieve even a small portion of this plan for some time, but I thought it incumbent on me to place the whole at once frankly before the House, that we might work one part in harmony with the other, and not do to-day what, Penelope like, we might be compelled to undo to-morrow. I should wish to divide it if possible into four Bills—a Bill for the Establishment of a Board of National Education, and three successive Bills for Elementary,—for Academical and Collegiate—and, finally, for Supplementary and Subsidiary education. Change in the University was subject more for an Address to the Crown. Circumstances, however, compel me to combine the first Bill with the second. It is to introduce this I now ask leave of the House. Any measure for academical education will require some previous inquiry, and I have a notice to that effect, (I allude to the one on diocesan schools), on the Order Book of the House.

I have now done, thanking the House for the indulgence with which it has listened to what, from the nature of the subject, I feel must have been comparatively tedious, at least to the majority. I could scarcely have done less, and earnestly wish I could have done more. The more I have thought and think on it, the more deeply am I penetrated with the importance of this all-embracing question. Every day adds to the conviction that we have fully reached the point when a thorough and extensive education reform

can no longer be deferred. If our political reform was searching, so also should be this; our schools are not a jot less important than our Parliaments. If we disfranchised, and enfranchised, in the one case, without any weak visitings of compunction for this man's prejudice or the other man's plunder, but with a steady eye to "right" only, and the "public good," struck boldly onward for posterity and the country, so also in this other, for an object in no degree inferior, should we advance with the same unflinching regard to justice and the commonweal. Other countries are teaching us the lesson—we touch the mind and civilization of other nations on every side. Yes! education reform will come and conquer like every other. What is the folly of to-day, will be the wisdom of to-morrow. Men who now shrink from the struggle will wish to share the laurels, as in other reforms, when the battle is over and the victory is won. The very opposition to its progress shews no confidence: there is no heart (if I may so express it) in their blows. The public mind of this country is at last awakening to the importance of the question; and in England it is sufficient to see in order to will and do. Nor have I more reason to despair of Ireland. Is there not some hope that the miserable phantasmagoria of Government with which she has, up to this hour, been deluded and insulted—will, at last end? Up to this hour, with few exceptions, Secretary on Secretary has passed over that wasted land, merely gleaning what his predecessor had left undevoured. What interest could men feel about a country which they only governed, I might say by parenthesis, and merely, as it would seem, for the purpose of shewing with what small expenditure of trouble or knowledge administration might be kept in motion,—and what an easy feat it was to ruin a country, and to enrich an individual at the same time. A contemptible bureaucracy, an *aide-de-camp* coterie, has been our Government. No new governor could come in, but he was obliged to do more than Chinese obeisance to both, to pay more attention to the balancing of parties, than to the Government of the country,—playing the chess-game of this man's fears against that man's hopes,—managing his seat, whilst he should be boldly riding on. The result was natural—no man ever governed through such instruments, but was ultimately obliged to govern for them. Master in name, slave in reality,—he had

large powers for mischief, none for doing good.

If I could think that such were to continue to be our Government, I should despair, not of this Bill only, but of any measure which did not serve the personal pettifogging purpose of the day. An enlightened Minister must govern, as well as rule. Such an Administration would be incapable of either. It would be at the mercy of every man who had cunning enough to blind, or courage enough to trample on it. To expect from such any broad or permanent improvement, would be to take placemen for patriots, and to confound prudence with imbecility. That such will not in future be our government I am willing to believe; that such, in any case, can never long continue to be our Government, I am quite sure. The people are beginning to comprehend their true interests, and have abundantly proved that they no longer are dependant upon any

party. In any case I am resolved to do my duty; I have a strong faith in a righteous and great cause, and I cannot believe that what ought to succeed, will be long unsuccessful. In one word, it comes to this—men will be educated, whether you like it or not. The only point is, how,—or for what? That you can determine, but that only; and the sooner, and the more thoroughly you determine it,—I say it not in menace, I say it not in dread, but with that awful conviction of responsibility which every man must feel who looks with attention to the present, and still more to the future aspects of society,—the sooner and more thoroughly you determine it, the better for every man, from the highest to the lowest in the land. I now ask for leave to bring in a Bill for the Establishment of a Board of National Education, and the advancement of Elementary Education in Ireland.

GENERAL INDEXES

TO

VOL. XXVI., XXVII., (*THIRD SERIES*) SESSION 1835.

OF

HANSARD'S PARLIAMENTARY DEBATES.

(A.)—SUBJECTS OF DEBATES.

N^o I. HOUSE OF LORDS.—N^o II. HOUSE OF COMMONS.

N^o I. DEBATES—LORDS.

ADDRESS in Answer to the King's Speech,
vol. xxvi. 67

Agricultural Distress, xxvi. 731.—xxvii. 1117

Answer, the King's to the Address, xxvi. 304

Appeal, xxvii. 780

Austria, xxvi. 732

Bribery, xxvi. 318

Canada, xxvi. 1132, 1181.—xxvii. 165

Catholic Clergy (Ireland) Provision for, xxvi.
490

Central Criminal Court, xxvii. 1017

Chester, Execution of Criminals at, xxvi. 930

Church of Scotland, xxvi. 657.—xxvii. 777—
828, 1063

Church, Reform of, xxvi. 319.—xxvii. 1, 457,
828, 1159.—Property of, xxvii. 539, 640

Corporation Commission, (see also Debate on
the Address), xxvi. 304.—xxvii. 996

Criminal Justice (Ireland), xxvii. 359, 455

Dissenters Marriages, xxvii. 308

Ecclesiastical Courts, xxvi. 930, 1055

Education, General, xxvii. 1293

—Ireland, xxvi. 575

Elections, Bribery at, xxvi. 318

Gaols (Scotland), xxvii. 457

London University, xxvii. 876, 1017, 1064

Malt Duties, xxvii. 3

Ministry, xxvii. 832, 974, 997, 1011

Mutiny Bill, xxvii. 992

I N D E X.

Naval Discipline, xxvii. 1019
Newspaper Stamps, xxvii. 85, 779, 1125

Oaths, Unnecessary ones, xxvi. 415, 460.—
—— Abolition of, xxvii. 360, 987
—— At Universities, xxvi. 576

O'Loughlen, Mr., xxvii. 1291

Parliamentary Returns, xxvi. 460
Parliament, New House of, xxvi. 489.—xxvii.
307
—— Opening of, xxvi. 1
Pilots at Folkestone, xxvi. 955
Poor-laws' Amendment Act. xxvi. 1056.—xxvii.
154, 1194
—— Ireland, xxvi. 490
Prison Discipline, xxvii. 155, 1015

Processions (Ireland), xxvii. 1118
Proxy, Vote by, xxvi. 460
Public Instruction (Ireland) Commission, xxvii.
986, 1016, 1159

Russia, xxvi. 732
—— Embassy to xxvi. 1004

Slavery, Effects of the Abolition of, xxvi. 416,
1059.

Speaker, his Majesty's approval of the Com-
mons' choice of, xxvi. 61

Speech, the King's, xxvi. 67

Stoke Poges, xxvii. 154

Taxes on Knowledge, xxvii. 1125

Universities, Oaths taken at, xxvi. 576

Witnesses, Indemnity of, xxvii. 988

N^o II. DEBATES—COMMONS.

ADDRESS, in Answer to the King's Speech, xxvi.
151, 243, 325, 425

Adjournment, xxvii. 1006

Admiralty Flag, xxvii. 364

Agriculture, Distress of, xxvi. 1018

Answer, the King's to the Address, xxvi.
468

Armagh, outrages in, xxvi. 589, 888.—xxvii.
991, 1071

Army Estimates, xxvii. 1158

Assizes (Ireland), Removal of, xxvii. 303

Bankrupts, Sequestration of (Scotland) xxvi. 871

Belgium, the King of, xxvi. 530

Boroughs, the New, xxvi. 424

Business of the House, xxvi. 320, 850

Cabriolets, xxvi. 1118

Carriages, Public, in the Metropolis, xxvii.
1057

Carlow, Magistrates of, xxvi. 590

Canada, xxvi. 660, 1013.—xxvii. 650, 836,
1134

Canterbury Election, xxvii. 95, 263, 975

Chatham Election, xxvi. 1193.—xxvii. 204

Chancellor, Lord, Pensions of, xxvii. 1112

Channel Islands, xxvii. 1253

Chester, Execution of Criminals at, xxvi
555

Church of Ireland, xxvi. 937, 1016.—xxvii.
313, 361, 466, 547, 784, 790, 837, 878

—— Scotland, xxvii. 540, 782, 1025, 1255,
(County)

Cinque Ports Pilots, xxvi. 902

Civil Contingences, xxvii. 1148

Civil Bill Courts Bill (Ireland), xxvii. 1248

Committees, Chairman of, xxvi. 485

Cork (County) Election, xxvii. 273

Corn, illegal importation of, xxvi. 490.—xxvii.
1253

—— Trade (Ireland), xxvii. 218

Debt, Abolition of Imprisonment for, (Eng-
land) xxvi. 538, 1144.—xxvii. 781, 1054,
1158

—— Scotland, xxvi. 574, 1169

Dissenters' Marriages, xxvi. 1073

Divisions of the House, xxvi. 524, 570.—xxvii.
1243

Dublin, City of, Election, xxvi. 1138.—xxvii.
9, 1065

East India Company's Maritime officers, xxvi.
839.—xxvii. 1059

INDEX.

- Ecclesiastical Courts, xxvi. 908
- Education in the Colonies, xxvi. 464
- Ireland, xxvi. 926.—xxvii. 1199 (Appendix)
- National, xxvi. 495
- Election, Bribery at, xxvi. 516, 873
- Expenses of, xxvi. 865.—Committees, absence from, xxvii. 1336
- Explanations, xxvii. 1006
- Factory Act, xxvi. 526
- Franchise, Measures to Protect, xxvi. 1170
- Freshford, case at, connected with the Poor-laws, xxvi. 596
- Good Hope, Cape of, xxvi. 725
- Gosford, Earl of, xxvii. 991, 1071
- Gravesend Block House, xxvii. 221
- Great Seal, in Commission, xxvii. 1029
- Greene, Mr., xxvii. 1336
- Greenwich Pensioners, xxvi. 658
- Greisley, Sir Roger, xxvii. 788
- Impressment, xxvi. 1120.—xxvii. 1290
- Intimidation at Elections, xxvii. 309, 833
- Kerry Election, xxvii. 1129
- Kirkham, Tithes, xxvii. 1167
- Leicester Election, xxvii. 268, 462, 544
- Libel, xxvi. 1178
- Light Houses, xxvii. 246
- Literature, interchange of, xxvii. 232
- London University, xxvii. 279, 540
- Londonderry, Marquess of, xxvi. 938, 1018
- Magistracy, (Ireland), xxvi. 1135
- Malt Duties, xxvi. 737, 1233
- Margaret's (Saint) Westminster, xxvi. 533
- Military in Ireland, xxvi. 510
- Employed at Elections in Ireland, xxvi. 903
- Ministers, Resignation of, xxvii. 980
- Ministry, formation of, xxvii. 993, 994
- Moldavia, xxvii. 314
- Museum, British, xxvii. 1186
- Mutiny Bill, xxvii. 874
- Navy Estimates, xxvi. 1031
- Newspapers, Prosecution of, xxvi. 534
- Measure to relieve them, xxvi. 718
- Stamps for, xxvii. 1196
- North American Boundary, xxvi. 494
- Nottinghamshire, New Writ for, xxvi. 846
- Oaths of Catholic Members, xxvii. 1012
- O'Connell, Mr., xxvii. 1065, 1129
- Omnibuses, xxvi. 1118
- Orange Lodges, (Ireland) xxvi. 525, 536, 604
xxvii. 135, 305
- Ordinance Department, xxvii. 1185
- Estimates, xxvii. 1187
- Parliament, New House of, xxvi. 469
- Parliament, Opening of, xxvi. 1
- Passengers' Act, xxvi. 1235
- Persia, Mission to, xxvi. 1233
- Physicians, College of, xxvi. 533
- Poor-laws' Amendment Act, xxvi. 596.—xxvii. 1025, 1052
- Commissioners under, xxvii. 357
- Ireland, xxvi. 1206.—xxvii. 202
- Post-office, xxvi. 1240
- Preston, Riots at, xxvii. 1266
- Priests, (Catholic) xxvi. 1135
- Privileges, Breaches of, xxvii. 97, 168, 224
- Rathcormac, Affray at, xxvi. 486, 523
- Registration Barristers, xxvii. 1148
- Registration, General (Scotland) xxvi. 886
- of Voters, (England), xxvii. 45
- Regium Donum, xxvi. 528
- Richmond, the Duke of, xxvii. 1025
- Roman Catholic Marriages, xxvi. 1231
- Russia, Ambassador to, xxvi. 938, 1018
- Sabbath, Observance of, xxvi. 861.—xxvii. 233, 1128, 1268
- Seamen, Enlistment of, xxvii. 1290
- Seamen, Registration of, xxvi. 1120
- Session, Court of Scotland, xxvi. 572, 1167
- Shannon, Navigation of, xxvii. 1030
- Sinecures, xxvi. 536
- Slave Trade, xxvii. 1039, 1233
- Smithfield Market, xxvi. 880
- Spain, xxvii. 837
- Speaker, Choice of, xxvi. 2
- King's approval of, xxvi. 63
- Spirit Licenses, xxvii. 1236
- Stafford Borough Disfranchisement, xxvii. 1174
- Supplies, xxvi. 471, 554, 602, 884, 990, 1047:
—xxvii. 226, 315, 864, 1147, 1186
- Symonds, Captain, xxvii. 864

Taxation, Revision of, xxvi. 734 1048, 1051	Tithes, (Ireland), xxvii. 13, 102, 787, 1172
Tea Duties, xxvii. 1070	Van Diemen's Land, Trial by Jury at, xxvi. 532
Timber Duties, xxvii. 213	Weavers, Hand-loom, xxvi. 715
Tithes, (England), Plan to Commute, xxvii. 170, 1197	Wills, Execution of, xxvi. 854.—xxvii. 1283

(B).—MEMBERS WHO HAVE SPOKEN IN DEBATE:—

I.—HOUSE OF LORDS.

~~~~~	
ABERDEEN, the Earl of, xxvi. 419, 423, 1054, 1132, 1134, 1189.—xxvii. 165, 166, 168	Ellenborough, Lord, xxvi. 305, 310, 319
Alvanley, Lord, xxvii. 999, 1001, 1002	Exeter, Bishop of, xxvii. 2, 461, 641, 643, 831, 986, 1016, 1017, 1159
Auckland, Lord, xxvii. 1020	Gage, Lord, xxvi. 68, Appendix, 1247
Bath and Wells, Bishop of, xxvii. 829	Gloucester, Bishop of, xxvi. 588.—xxvii. 1334
Beresford, Viscount, xxvii. 1020, 1021	Haddington, the Earl of, xxvii. 1123
Brougham, Lord, xxvi. 88, 98, 128, 137, 139, 140, 149, 304, 305, 307, 315, 316, 318, 319, 320, 422, 489, 584, 586, 731, 732, 734, 930, 1055, 1056, 1061, 1134, 1135, 1181, 1188, 1189, 1192.—xxvii. 1, 85, 154, 158, 163, 164, 167, 308, 359, 361, 456, 460, 646, 829, 830, 831, 876, 974, 987, 988, 989, 990, 996, 1001, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1063, 1064, 1124, 1125, 1194, 1293, 1336	Hardwicke, the Earl of, xxvi. 67
Buccleugh, Duke of, xxvii. 1024, 1064	Kenyon, Lord, xxvii. 458, 830, 1001
Buckingham, Duke of, xxvi. 1011, 1012, 1055, 1056, 1060.—xxvii. 154, 160, 1003	Lansdowne, the Marquess of, xxvi. 305, 416, 730, 1008, 1011.—xxvii. 160, 166, 307, 1018, 1064
Bute, the Marquess of, xxvi. 657, 658	Llandaff, Bishop of, xxvi. 581, 586, 587
Camden, Marquess of, xxvi. 731.—xxvii. 360	London, the Bishop of, xxvii. 830
Canterbury, Archbishop of, xxvii. 1334	Londonderry, Marquess of, xxvi. 1004.—xxvii. 1003, 1004, 1121, 1124, 1291, 1292
Carnarvon, The Earl of, xxvii. 829	Melbourne, Lord Viscount, xxvi. 75, 87.— xxvii. 828, 997, 1002, 1003, 1004, 1005, 1117, 1120, 1122, 1124, 1291, 1333
Chancellor, the Lord High (Lord Lyndhurst), xxvi. 162, 127, 128, 137, 140, 304, 305, 306, 313, 316, 930, 934, 1055, 1056.—xxvii. 650, 989	Melville, Lord, xxvii. 1020
Colchester, Lord, xxvii. 1023, 1024	Mulgrave, Lord, xxvi. 140, 416, 423, 1053, 1055, 1132, 1135.—xxvii. 988, 991
Colville, Lord, xxvii. 1024	Plunkett, Lord, xxvi. 311.—xxvii. 360, 539, 640, 644
Cumberland, H: R. Highness the Duke of, xxvii. 647	Radnor, Lord, xxvi. 313, 576, 586, 588, 935
Denman, Lord, xxvii. 1335	Richmond, Duke of, xxvi. 149, 415, 466, 467. —xxvii. 155, 162, 163, 360, 361, 988, 998, 1015, 1017, 1117
Duncannon, Viscount, xxvii. 986, 1016, 1017, 1159	Ripon, the Earl of, xxvi. 142, 422, 1186, 1188. —xxvii. 167

## I N D E X.

- |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Roden, the Earl of, xxvi. 575, 730, 731.—xxvii. 162</p> <p>Rosebery, the Earl of xxvi. 657.—xxvii. 457</p> <p>Rosslyn, the Earl of, xxvi. 490.—xxvii. 877</p><br><p>Salisbury, Marquess of, xxvii. 160, 1022</p> <p>Seaford, Lord, xxvi. 422</p> <p>Shaftesbury, Earl of, xxvii. 1194</p> <p>Skelmersdale, Lord, xxvii. 1160</p><br><p>Teynham, Lord, xxvi. 732.—xxvii. 3, 994, 1004</p> | <p>Ward, Lord, xxvii. 832</p> <p>Wellington, the Duke of, xxvi. 82, 98, 149, 312, 421, 489, 490, 576, 580, 733, 935, 1006, 1059.—xxvii. 161, 360, 455, 832, 974, 986</p> <p>Westminster, the Marquess of, xxvi. 2, 466, 490, 930.—xxvii. 307, 457, 462, 644</p> <p>Wharnccliffe, Lord, xxvi. 317.—xxvii. 156, 159</p> <p>Wicklow, the Earl of, xxvii. 650, 987, 988, 989, 990, 1002, 1118, 1292</p> <p>Wilton, Earl of, xxvii. 1159</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

---

## II.—HOUSE OF COMMONS.

---

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>ABERCROMBIE, Mr. xxvi. 26, 35, (See Speaker)</p> <p>Adam, Admiral, xxvi. 1003, 1047, 1130</p> <p>Acheson, Viscount, xxvii. 992, 1103</p> <p>Advocate, the Lord, (Sir Wm. Rae) xxvi. 572, 574, 575, 872, 888, 1168, 1169, 1170. (Right Hon. John A. Murray)—xxvii. 263, 1243</p> <p>Aglionby, Mr. xxvi. 558.—xxvii. 546, 980, 1248</p> <p>Agnew, Sir Andrew, xxvi. 865.—xxvii. 243, 1273, 1279</p> <p>Ainsworth, Mr. xxvi. 424</p> <p>Ashley, Lord, xxvi. 659, 808, 990, 1001, 1002, 1004, 1047, 1050.—xxvii. 225, 228, 865, 867, 868, 869, 872, 873</p> <p>Attorney General, the, (the Hon. and Learned Sir David Pollock) xxvi. 518, 555, 565, 724, 854, 855, 908, 924, 1110. (Sir John Campbell)—xxvii. 271, 276, 545, 910, 1027, 1129, 1158, 1159, 1277, 1279, 1283, 1287, 1288</p> <p>Attwood, Mr. Thomas, xxvi. 463, 716.—xxvii. 101</p><br><p>Bagshaw, Mr. xxvi. 725, 729</p> <p>Baines, Mr. xxvi. 527, 723, 1097.—xxvii. 852, 1281</p> <p>Barclay, Mr. Charles, xxvi. 483.—xxvii. 1239</p> <p>Barclay, Mr. David, xxvi. 1131.—xxvii. 820</p> <p>Baring, the Right. Hon. Mr. (President of the Board of Trade), xxvi. 300, 389, 408, 493, 494, 522, 709, 715, 716, 803, 1123, 1147, 1148, 1237.—xxvii. 191, 214, 217, 289, 869, 887</p> <p>Baring, Mr. Francis, xxvii. 218, 1006, 1148, 1149</p> <p>Barron, Mr. xxvi. 929.—xxvii. 116, 119, 120, 132</p> | <p>Barry, Mr. xxvi. 212</p> <p>Bateson, Sir Robert, xxvi. 550, 896, 928, 1238 —xxvii. 238, 803, 806, 1232</p> <p>Beauchlerk, Major, xxvi. 322, 483, 598.—xxvii. 347, 875, 1026, 1054</p> <p>Benett, Mr. xxvi. 602, 782</p> <p>Beresford, Sir John, xxvi. 1195.—xxvii. 862</p> <p>Berkeley, Mr. Grantley, xxvi. 335, 1041, 1048</p> <p>Berkeley, Captain, xxvi. 255, 995, 1129.—xxvii. 867</p> <p>Bernal, Mr., xxvi. 486, 1160, 1199.—xxvii. 245, 878, 1285</p> <p>Blamire, Mr. xxvii. 192</p> <p>Borthwick, Mr. xxvii. 714, 824, 826, 839</p> <p>Bowring, Dr. xxvi. 293, 887, 1000, 1048, 1119, 1173.—xxvii. 217, 230, 232, 233, 309, 821, 1150, 1152, 1186, 1191, 1254, 1261, 1266</p> <p>Bramston, Mr. xxvi. 162</p> <p>Brotherton, Mr. xxvi. 497, 1045</p> <p>Bruce, Major Cumming, xxvi. 340, 344, 869. —xxvii. 1262</p> <p>Bruen, Mr. Francis, xxvii. 848</p> <p>Bruen, Colonel, xxvi. 591, 594, 907, 1136</p> <p>Buckingham, Mr. xxvi. 1126.—xxvii. 1158, 1291</p> <p>Buller, Mr. C. xxvi. 1002, 1048.—xxvii. 264, 265, 268, 349, 975, 977, 978, 980, 1012, 1281, 1286</p> <p>Buller, Mr. Edward, xxvii. 1183</p> <p>Burdett, Sir Francis, xxvi. 871</p> <p>Bulwer, Mr. Henry L., xxvi. 484, 533, 989. —xxvii. 245, 835, 846</p> <p>Burrell, Sir Charles, xxvi. 10</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



# INDEX.

- Buxton, Mr. Fowell, xxvi. 464, 465, 729.—xxvii. 701, 1039, 1050, 1233, 1236
- Byng, Sir John, xxvi. 488
- Campbell, Sir John, xxvi. 440, 520, 523, 535, 556, 558, 592, 723, 734, 735, 860, 865, 872, 877, 887, 914, 925, 1112, 1144, 1148, 1152, 1169, 1204, 1231, see Appendix.—xxvii. 654
- Carruthers, Mr. xxvi. 1157.—xxvii. 216, 218, 1055, 1062, 1159, 1240
- Carter, Mr. Bonham, xxvi. 725
- Castlereagh, Viscount, xxvi. 210.—xxvii. 807, 1173
- Cave, Mr. Ottway, xxvi. 953
- Cauley, Mr. xxvi. 843.—xxvii. 190, 908
- Chapman, Mr. Aaron, xxvi. 725, 1047, 1129.—xxvii. 257, 872
- Chancellor of the Exchequer, (Sir Robert Peel) xxvi. 115, 214, 242, 278, 321, 424, 425, 469, 470, 474, 479, 481, 482, 483, 484, 485, 494, 497, 509, 510, 512, 516, 520, 526, 529, 530, 534, 536, 539, 540, 541, 543, 548, 603, 616, 619, 699, 712, 713, 714, 734, 756, 844, 848, 849, 850, 852, 885, 889, 890, 893, 917, 920, 925, 926, 957, 962, 968, 969, 996, 1003, 1017, 1018, 1019, 1020, 1027, 1029, 1030, 1032, 1039, 1052, 1073, 1084, 1094, 1115, 1143, 1226.—xxvii. 31, 32, 33, 48, 56, 62, 76, 81, 83, 100, 102, 104, 110, 116, 126, 128, 132, 135, 170, 181, 185, 196, 199, 202, 210, 212, 224, 231, 232, 271, 291, 295, 303, 313, 331, 343, 728, 827, 828, 831, 832, 867, 868, 879, 945, 957, 980, 993, 994. (Right Hon. Mr. Spring Rice) 1027, 1029, 1032, 1038, 1048, 1050, 1055, 1067, 1069, 1070, 1097, 1109, 1113, 1135, 1144, 1145, 1146, 1147, 1148, 1151, 1153, 1154, 1185, 1193, 1194, 1229, 1234, 1238, 1245, 1247, 1252, 1273
- Chandos, Marquess of, xxvi. 492, 737, 832, 1018.—xxvii. 854
- Charlton, Mr. Lechmere, xxvi. 280.—xxvii. 675
- Chatterton, Colonel, xxvii. 350
- Chetwynd, Captain, xxvii. 1178
- Clay, Mr. xxvi. 200, 844, 1119, 1163.—xxvii. 241, 1062
- Clements, Lord, xxvii. 150
- Clerk, Sir George, xxvi. 525, 729, 869, 886.—xxvii. 205, 541, 1151, 1152, 1153, 1265
- Cobbett, Mr. xxvi. 52, 424, 737, 780.—xxvii. 1025, 1026, 1027, 1049, 1153, 1157, 1158, 1172, 1181, 1186, 1190, 1192, 1193, 1273
- Codrington, Sir Edward, xxvi. 424, 876, 995, 1001, 1047, 1050, 1198, 1199.—xxvii. 168, 224, 862, 865, 868, 873, 874
- Colborne, Mr. Ridley, xxvii. 1248
- Cole, Mr. xxvii. 150
- Conolly, Colonel, xxvi. 528, 530, 551.—xxvii. 347
- Conyngham, Lord Albert, xxvii. 356
- Crawford, Mr. Sharman, xxvii. 1172
- Curteis, Mr. Herbert, xxvi. 462, 463, 534, 535, 723, 832, 893
- Dalbiac, Sir Charles, xxvi. 505, 507, 509.—xxvii. 325, 349, 1157
- Dalmeny, Lord, xxvii. 542
- Damer, Colonel, xxvii. 497
- Darlington, the Earl of, xxvi. 785
- Denison, Mr. xxvi. 11
- Divett, Mr. xxvii. 115, 1174, 1236, 1241
- Dobbin, Mr. xxvi. 589, 590, 888, 890, 902
- Dottin, Mr. xxvii. 835
- Duncombe, Mr. Thomas S., xxvi. 385, 884.—xxvii. 837, 1279
- Dugdale, Mr. xxvii. 263, 264, 266
- Durham, Sir Philip, xxvi. 1130, 1199
- Ebrington, Lord, xxvi. 779, 983, 1201
- Egerton, Lord Francis, xxvi. 3, 717.—xxvii. 273, 278, 286, 906
- Ellice, Mr. E. xxvii. 338, 652
- Elphinstone, Mr. xxvi. 897
- Estcourt, Mr. xxvi. 1111.—xxvii. 193, 300, 1158
- Evans, Colonel, xxvi. 462, 595, 623, 658, 902, 903, 907.—xxvii. 121, 122, 124, 128, 133, 143, 314, 350, 834
- Ewart, Mr. xxvi. 182, 320, 324, 483, 538, 558, 567, 592, 853, 989, 1106, 1164, 1177.—xxvii. 239, 258, 1031, 1151, 1281
- Fector, Mr. xxvi. 1176.—xxvii. 835, 866
- Fergusson, Sir Ronald, xxvii. 209
- Ferguson, Mr. Robert, xxvi. 35, 37
- Ferguson, Mr. Cutlar, xxvi. 573, 574, 851, 854, 858, 871, 872, 916, 945, 1031, 1098, 1167, 1233.—xxvii. 57, 150, 186, 256, 540, 543, 1243, 1285, 1289
- Fielden, Mr. John, xxvii. 357
- Fielden, Mr. William, xxvii. 312
- Finch, Mr. xxvi. 330, 929.—xxvii. 314
- Finn, Mr. xxvi. 459, 525, 536, 889, 1136, 1230.—xxvii. 135, 543
- Fitzsimon, Mr. xxvii. 261
- Fleetwood, Mr. Hesketh, xxvi. 826
- Follett, Sir William, xxvii. 1283, 1286
- Forbes, Mr. xxvi. 877
- Forster, Mr. xxvii. 1183
- Freemantle, Sir Thomas, xxvi. 554, 1119, 1239.—xxvii. 1150, 1181, 1191
- French, Mr. Fitzstephen, xxvii. 1031
- Freshfield, Mr. xxvii. 208, 209, 267, 279, 1158
- Gaskell, Mr. Milne, xxvi. 192
- Gillon, Mr. xxvi. 337, 1048.—xxvii. 349, 1255

# INDEX.

- Gisborne, Mr. xxvi. 360, 393, 516, 523, 955.  
—xxvii. 104, 109, 184, 268, 465, 929, 1337
- Gladstone, Mr. Ewart William, xxvi. 464, 465, 1015, 1119, 1235.—xxvii. 462, 507, 654
- Gladstone, Mr. Thomas, xxvi. 533
- Gordon, Captain, xxvi. 1129
- Gordon, Mr. Robert, xxvi. 818
- Goring, Mr. xxvii. 120
- Goulburn, Mr. Sergeant, xxvi. 355
- Goulburn, Mr. (Secretary for the Home Department) xxvi. 287, 527, 537, 538, 539, 541, 558, 597, 598, 599, 611, 710, 1178, 1181, 1220, 1232.—xxvii. 58, 147, 149, 203, 240, 246, 261, 264, 270, 279, 281, 358, 691, 873, 874, 1277, 1336
- Graham, Sir James, xxvi. 390, 393, 811, 818, 998, 1042, 1047, 1050, 1051, 1120, 1144.—xxvii. 227, 229, 419, 872, 873, 1290
- Grant, Mr. Charles, xxvi. 511
- Grattan, Mr. Henry, xxvi. 282, 284, 486, 503, 889, 907.—xxvii. 69, 143, 354, 890
- Grattan, Mr. James, xxvi. 871
- Greisley, Sir Roger, xxvi. 336, 827
- Greene, Mr. xxvii. 195, 337
- Grey, Sir George, xxvi. 873, 1197.—xxvii. 211, 866, 1028
- Grosvenor, Lord Robert, xxvi. 557
- Grote, Mr. xxvi. 189, 825, 878, 1165.—xxvii. 196, 202, 246, 270
- Handley, Mr. xxvi. 747, 880
- Hanmer, Sir John, xxvii. 209
- Hardinge, Sir Henry, (Secretary for Ireland), xxvi. 456, 463, 479, 486, 501, 515, 516, 523, 524, 543, 546, 589, 595, 653, 870, 888, 889, 890, 894, 897, 903, 904, 905, 906, 907, 908, 937, 1018, 1025.—xxvii. 13, 49, 58, 115, 118, 119, 120, 123, 124, 133, 142, 149, 151, 225, 245, 303, 351, 585, 598, 862, 873, 876, 883, 1012
- Hardy, Mr. xxvi. 514, 557, 863, 875, 1204.—xxvii. 969, 1129, 1336
- Harvey, Mr. D. W. xxvi. 292, 496, 499, 1101.—xxvii. 60, 223, 271, 274, 1029, 1113, 1129
- Hawes, Mr. xxvi. 569, 865.—xxvii. 238, 1113, 1159, 1268, 1278, 1281
- Hay, Colonel Leith, xxvii. 221, 222, 1187, 1191, 1192, 1193
- Heathcote, Mr. Gilbert, xxvii. 1197, 1254
- Herries, Mr. xxvii. 228, 273, 315, 342, 344, 553, 874
- Hindley, Mr. xxvii. 358, 544
- Hobhouse, Sir John Cam, xxvi. 968, 969, 1026.—xxvii. 529, 1061
- Hodges, Mr. xxvi. 829, 1193, 1205.—xxvii. 196, 204, 206, 1241
- Hogg, Mr. xxvii. 942
- Howard, Mr. Philip, xxvi. 1096.—xxvii. 1129
- Howick, Viscount, xxvi. 375, 549.—xxvii. 283, 440, 1155
- Hoy, Mr. Barlow, xxvii. 866
- Hughes, Mr. Hughes, xxvi. 439
- Hume, Mr. xxvi. 324, 425, 438, 469, 470, 480, 481, 482, 510, 516, 522, 524, 531, 532, 536, 548, 554, 602, 603, 705, 717, 844, 852, 853, 854, 818, 865, 884, 885, 886, 888, 920, 926, 950, 962, 995, 998, 1003, 1004, 1021, 1022, 1029, 1031, 1032, 1039, 1047, 1050, 1225, 1233, 1234, 1237, 1239.—xxvii. 32, 52, 56, 83, 103, 146, 229, 243, 246, 267, 305, 316, 325, 343, 352, 357, 543, 652, 868, 870, 874, 875, 1025, 1027, 1028, 1048, 1056, 1068, 1069, 1106, 1110, 1111, 1112, 1144, 1145, 1147, 1148, 1149, 1151, 1152, 1158, 1185, 1186, 1190, 1191, 1193, 1234, 1239, 1248, 1272
- Hutt, Mr. xxvi. 717.—xxvii. 216
- Ingham, Mr. xxvi. 1131.—xxvii. 263
- Inglis, Sir Robert, xxvi. 1024, 1199.—xxvii. 189, 282, 283, 499, 1012, 1165
- Irton, Mr. xxvii. 1174
- Jackson, Mr. Sergeant, xxvi. 859.—xxvii. 926
- Jervis, Mr. xxvi. 522, 558.—xxvii. 1058, 1148
- Johnston, Mr. Andrew, xxvi. 926.—xxvii. 1282
- Kavanagh, Mr. xxvi. 592, 594, 1136
- Kearsley, Mr. xxvi. 212
- Kelly, Mr. xxvi. 734.—xxvii. 1241
- Kerry, the Earl of, xxvii. 1030, 1039
- Kennedy, Mr. J., xxvi. 1114.—xxvii. 277, 875
- Knatchbull, Sir Edward, xxvi. 425, 793, 977, 982, 1202.—xxvii. 95, 125, 204, 210, 222, 266, 653, 979
- Labouchere, Mr. xxvi. 710, 994, 1000, 1048.—xxvii. 226, 869, 1147
- Law, Mr. xxvii. 269, 875, 876, 1287
- Lefroy, Mr. xxvii. 273, 478
- Lefroy, Mr. Anthony, xxvi. 544, 878
- Lennard, Mr. xxvi. 1106.—xxvii. 184, 238
- Littleton, the Right Hon. Mr. xxvi. 488, 507, 525, 590, 592, 889.—xxvii. 50, 133, 304, 573, 597, 806
- Lucas, Mr. xxvii. 846, 945
- Lushington, Dr. xxvi. 263, 850, 857, 894, 911, 926, 1084, 1093, 1094.—xxvii. 285, 564, 1084, 1086, 1110, 1283, 1289
- Lushington, Mr. Stephen, xxvii. 978
- Lynch, Mr. xxvi. 1231, 1232.—xxvii. 1038, 1248, 1285
- Mackenzie, Mr. Stewart, xxvii. 1062, 1264
- Maclean, Mr. xxvi. 346.—xxvii. 209, 1281
- Mahon, Lord, xxvi. 947.—xxvii. 152, 153, 314, 837



# I N D E X.

- Mandeville, Lord, xxvi. 891, 894.—xxvii. 1071, 1086, 1111
- Maule, Mr. Fox, xxvi. 343, 344, 1173
- Maxwell, Mr. John, xxvi. 715, 1169.—xxvii. 142, 843
- Maxwell, Mr. Henry, xxvi. 927
- Member, an Hon. xxvi. 538.—xxvii. 121, 125, 867, 957, 978, 979, 1171, 1338
- Methuen, Mr. xxvii. 1009
- Miles, Mr. William, xxvii. 1128
- Morpeth, Lord, xxvi. 165, 526, 538.—(Secretary for Ireland) xxvii. 1229
- Moseley, Sir Oswald, xxvii. 1129
- Mullins, Mr. xxvi. 325, 656, 903
- Murray, Mr. 573, 870, 871, 1168.—xxvii. 261
- Musgrave, Sir Richard, xxvi. 1204, 1211.—xxvii. 202
- Nicholl, Mr. xxvi. 864, 915.—xxvii. 1284, 1287
- Norreys, Lord, xxvi. 780
- O'Brien, Mr. Cornelius, xxvi. 901
- O'Brien, Mr. Smith, xxvi. 1206, 1230.—xxvii. 203, 1228
- O'Connell, Mr. xxvi. 323, 394, 409, 484, 487, 508, 509, 533, 542, 548, 558, 565, 595, 625, 645, 646, 846, 853, 855, 856, 864, 870, 876, 902, 906, 922, 1139, 1141, 1143, 1165, 1175, 1178, 1212.—xxvii. 9, 10, 11, 39, 104, 277, 716, 1008, 1030, 1067, 1108, 1130, 1132, 1134, 1174, 1235, 1279, 1282, 1284, 1290
- O'Connell, Mr. Morgan T. xxvii. 11, 34
- O'Connell, Mr. John, xxvi. 906
- O'Conner, Mr. Feargus, xxvi. 453, 523, 524, 615, 619, 892, 905, 1214.—xxvii. 111, 274, 514, 1232
- O'Dwyer, Mr., xxvi. 410, 500, 503, 590, 591, 592, 593, 595, 646, 878, 904, 1131, 1136.—xxvii. 827
- O'Loughlen, Mr. Sergeant, xxvi. 545, 547.—xxvii. 279, 303, 304
- Ord, Mr., xxvi. 14, 955.—xxvii. 208, 238, 246
- Parrott, Mr. xxvii. 196, 199
- Parnell, Sir Henry, xxvi. 1041.—xxvii. 348
- Parry, Colonel Jones, xxvi. 923
- Pease, Mr., xxvi. 570, 824.—xxvii. 257, 1116, 1254
- Pechell, Captain, xxvi. 725, 1049, 1167.—xxvii. 201, 263, 1158
- Peel, Sir Robert, xxvii. 1025, 1037, 1054, 1068, 1070, 1183, 1186, 1274, 1278, Appendix
- Pelham, Mr. Cresset, xxvi. 207, 954.—xxvii. 1055, 1158
- Pemberton, Mr. xxvi. 174
- Perceval, Colonel, xxvi. 284, 623, 1231.—xxvii. 1109
- Perrin, Mr. Sergeant, xxvii. 914
- Phillips, Mr. Mark, xxvi. 1165.—xxvii. 1241
- Plumptre, Mr. xxvii. 1129
- Pollock, Sir Frederick, xxvii. 1057
- Potter, Mr. xxvi. 862, 1198.—xxvii. 235, 1128, 1271, 1279
- Poulter, Mr. xxvi. 194, 861, 865, 1170, 1175.—xxvii. 237, 244, 502, 1271, 1278
- Praed, Mr. Winthrop, xxvi. 271, 843, 1108.—xxvii. 246, 553, 976, 1059
- Price, Mr. Grove, xxvi. 382.—xxvii. 195
- Pringle, Mr., xxvi. 888.—xxvii. 242
- Pryme, Mr., xxvi. 525, 859, 916.—xxvii. 194, 230, 1236, 1239
- Rae, Sir William, xxvii. 1242, 1260
- Rice, Mr. Spring, xxvi. 449, 682, 712, 794, 869, 879, 928, 1052, 1141, see Appendix.—xxvii. 63, 81, 99, 597, 826, 827, 978, 991
- Richards, Mr. xxvi. 185, 439, 566, 567, 1144, 1224, see Appendix.—xxvii. 273, 666
- Ridley, Sir Matthew White, xxvi. 451, 479, 1181.—xxvii. 189, 269
- Robinson, Mr., xxvi. 55, 243, 494, 530, 531, 532, 697, 698, 735, 839, 846, 903, 1016.—xxvii. 216, 272, 653, 1056, 1059, 1062, 1068, 1235, 1240, 1277
- Roche, Mr. William, xxvi. 462, 1222.—xxvii. 218, 856
- Roebuck, Mr. xxvi. 495, 497, 498, 499, 592, 596, 597, 598, 600, 602, 660, 697, 713, 820, 1015, 1107, 1118.—xxvii. 97, 653, 833, 835, 836, 1128, 1134, 1142, 1143, 1150, 1151, 1152, 1193, 1194, 1196, 1279, 1280
- Rolfe, Mr. xxvi. 570, 859, 1166.—xxvii. 187, 202, 272, 545
- Ronayne, Mr. xxvi. 537, 547.—xxvii. 278, 860
- Russell, Lord John, xxvi. 37, 49, 242, 287, 471, 478, 485, 499, 514, 648, 655, 850, 851, 937, 938, 1017, 1018, 1019, 1030, 1031, 1092.—xxvii. 22, 101, 102, 103, 119, 169, 190, 224, 232, 245, 246, 273, 297, 313, 329, 361, 760, 803, 821, 825, 827, 837, 838, 879, 880, 886, 969, 985, 994
- Ruthven, Mr. xxvi. 572, 929, 1143, 1238.—xxvii. 13, 305
- Russell, Mr. xxvii. 1198
- Sandon, Lord, xxvi. 151, 1107, 1108, 1238.—xxvii. 272, 276, 822, 979, 1030, 1232, 1237
- Scarlett, Mr. xxvi. 923, 1174.—xxvii. 266, 859
- Scholefield, Mr. xxvii. 1156
- Scrope, Mr. Poulett, xxvi. 600, 1218
- Sharpe, General, xxvii. 351, 874
- Shaw, Mr. xxvi. 409, 513, 524, 541, 568, 595, 636, 642, 645, 1140, 1141.—xxvii. 9, 10, 24, 69, 118, 258, 277, 813, 991, 1065, 1069, 1104, 1108, 1110, 1129, 1130, 1229, 1251
- Sheil, Mr. xxvi. 276, 278, 512, 540, 541, 604, 619, 622, 710, 712, 877, 938, 990, 1109, 1225, 1233.—xxvii. 57, 58, 115, 148, 466, 1012, 1239, 1252

# INDEX.

- Sibthorpe, Colonel, xxvi. 199, 829, 852, 1118, 1234.—xxvii. 824, 826, 941, 1007, 1241
- Sinclair, Mr. xxvii. 225, 878, 890, 994, 1009, 1129, 1134, 1243
- Solicitor General, xxvi. 535, 536, 557, 718, 725.—xxvii. 520, 546, 1114, 1159, 1284
- Somerset, Lord George, xxvii. 255
- Speaker, the, xxvi. 62, 63, 468, 507, 529, 567, 590, 591, 603, 642, 848, 855, 907, 1022, 1138.—xxvii. 120, 122, 133, 165, 272, 325, 546, 1026, 1058, 1059, 1110, 1336, 1337, 1338
- Stanley, Lord, xxvi. 27, 35, 257, 531, 694, 952, 1021.—xxvii. 72, 231, 330, 618, 1161
- Stanley, Mr. John, xxvi. 538, 539, 540
- Stanley, Mr. E. T. xxvii. 195
- Steuart, Mr. Robert, xxvi. 877, 886, 888.—xxvii. 1261, 1264
- Stewart, Mr. Patrick M., xxvi. 372, 713, 1013, 1015, 1238
- Stormont, Viscount, xxvi. 254
- Strickland, Sir George, xxvi. 528, 981.—xxvii. 1240, 1284
- Stuart, Lord Dudley, xxvi. 54, 353, 984, 1024
- Sutton, Sir Charles Manners, xxvi. 17, 36, 49,
- Talfourd, Mr. Sergeant, xxvii. 547
- Tennent, Mr. Emerson, xxvi. 440
- Thompson, Mr. Alderman, xxvi. 1119, 1129.—xxvii. 217
- Thompson, Mr. Beilby, xxvii. 570
- Thomson, the Right Hon. Mr. Poulett,* xxvi. 490, 494, 809, 1100.—xxvii. 75, 80, 213, 1253
- Tooke, Mr. xxvii. 221, 279, 283, 294, 295, 1152
- Trench, Sir Frederick, xxvii. 223, 1030
- Trevor, Mr. Arthur, xxvi. 198, 832, 871, 1177
- Trevor, Mr. Rice, xxvi. 864
- Trowbridge, Sir Thomas, xxvi. 902, 1203.—xxvii. 866, 871, 873
- Tulk, Mr. xxvii. 1277
- Turner, Mr. xxvii. 312
- Twiss, Mr. xxvii. 709
- Tynte, Mr. xxvii. 1254
- Verner, Colonel, xxvi. 554, 897, 902.—xxvii. 305, 801, 1094, 1279
- Vernon, Mr. xxvi. 846, 849
- Villiers, Mr. Frederick, xxvii. 96
- Vyvyan, Sir Richard, xxvii. 833, 834
- Wakley, Mr. xxvi. 533.—xxvii. 96
- Walker, Mr. xxvii. 304
- Wall, Mr. Baring, xxvii. 844
- Walter, Mr. xxvii. 1052, 1185, 1186
- Wallace, Mr. Robert, xxvi. 573, 872, 1167, 1169, 1239, 1240.—xxvii. 542, 1242, 1290
- Warburton, Mr. xxvi. 497, 525, 569, 852, 862, 1003, 1114, 1119, 1167.—xxvii. 33, 111, 207, 215, 223, 233, 245, 266, 269, 273, 287, 351, 466, 544, 1058, 1154, 1244, 1246, 1273, 1286
- Ward, Mr. xxvi. 250, 570.—xxvii. 62, 151, 153, 344, 393, 1156, 1243, 1246, 1248
- Whalley, Sir Samuel, xxvi. 207, 524, 525, 1002, 1039, 1202.—xxvii. 115, 236, 346, 1150
- Wilde, Mr. Sergeant, xxvii. 673
- Wilks, Mr. W. xxvi. 108.—xxvii. 543, 1265
- Williams, Mr. William, xxvi. 459, 881, 902
- Wilmot, Sir Eardley, xxvi. 438
- Wood, Colonel, xxvi. 598, 600
- Wood, Mr. Charles, xxvi. 789, 808.—xxvii. 48, 49, 186, 488
- Wood, Mr. Alderman, xxvi. 883, 1118, 1120.—xxvii. 1059
- Wortley, Mr. Stuart, xxvi. 1104
- Wrottesley, Sir John, xxvi. 1119
- Wynn, Mr. xxvi. 519, 850, 1142, 1162.—xxvii. 121, 230, 265, 267, 269, 274, 545, 936
- Wyse, Mr. xxvi. 1230.—xxvii. 151, 259, 304, 809, 1199, Appendix
- Young, Mr. G. F. xxvi. 460, 851, 864, 1001, 1002, 1041, 1047, 1048, 1125.—xxvii. 217, 239, 267, 650, 654, 872, 873, 1050, 1059, 1062, 1111, 1114, 1278

END OF VOL. XXVII.—THIRD SERIES,

AND OF

SECOND VOL. OF SESS. 1835.





